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GENERAL LAWS

OF

CALIFORNIA

AS AMENDED UP TO THE END OF THE SESSION OF 1899

CONTAINING THE LAWS THAT ARE IN COMMON USE IN FULL, WITH REFERENCES TO OTHER GENERAL LAWS IN FORCE, AND ALSO TO SPECIAL LAWS IN FORCE OR SHOWING WHERE SUCH SPECIAL LAWS MAY BE FOUND.

BY

JAMES H. DEERING,

OF THE SAN FRANCISCO BAR.

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GENERAL LAWS

OF THE

STATE OF CALIFORNIA.

TITLE 1.

ACKNOWLEDGMENTS.

Acts relating to, see Civil Code, Appendix, title Acknowledgments, p. 703 et seq.

ADULT BLIND.

See Home of Adult Blind.

TITLE 2.

ADULTERATION,

Acts relating to, see Penal Code, Appendix, title Adulteration, p. 495.

TITLE 3.

ADULTERY.

Acts relating to, see Penal Code, Appendix, title Adultery, p. 506.

TITLE 4.

AGED PERSONS.

See Home of Adult Blind; Veterans' Home Association.

An Act to appropriate money for the support of aged persons in indigent circumstances.

This act was repealed by the following act:

An Act repealing chapter ninety-six of the statutes of eighteen hundred and eighty-three, entitled "An Act to appropriate money for the support of aged persons in indigent circumstances," approved March 15, 1883.

[Approved February 28, 1895; Stats. 1895, chap. xii. In effect immediately.]

Section 1. Chapter ninety-six of the statutes of eighteen hundred and eighty-three, entitled "An Act to appropriate money for the support of aged persons in indigent circumstances," approved March fifteenth, eighteen hundred and eighty-three, is hereby repealed.

Sec. 2. This Act shall take effect and be in force from and after its passage.

TITLE 5.

AGRICULTURE.

See Fruit-trees and Vines; Horticulture; Silk Culture; Viticulture.

A collection of the acts relating to Agriculture and the State Agricultural Societies is contained in Deering's Annotated Penal Code, p. 411, et seq. In addition consult the following acts:

An act to authorize state agricultural societies under the control of the state to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.

[Stat. approved February 25, 1897; Stats. 1897, chap. xxxiv.]

Section 1. Whenever any state agricultural society under state control shall desire to sell the whole or any portion of its real estate held by it in fee, or by a trustee for its use, or in which it may have any title, interest, or claim, it shall be lawful for such society or association to file its complaint in the superior court of the county in which such lands are situated, setting forth the nature of the title under which the land to be affected by the decree of the court is held, and what claim such society or association has therein; and that it is the desire of such society or association to sell such real estate, and praying for judgment authorizing it to sell the same. In such action the trustee or trustees holding title in trust for such society or association, or their successors, or the survivor or survivors of them, or such other persons deriving title from the trustees, as the case shall require, shall be made parties defendant; and upon the service of the summons upon such defendants personally or by publication, or upon their appearance, the court shall have full jurisdiction in the premises. Such society or association may include as defendants in such action in addition to such persons or parties as appear of record to have, and other persons or parties who are known to have, some claim in or lien on the lands described in the complaint; also all other persons or parties unknown, claiming any right, interest, or lien in such land, and the plaintiff may describe such defendants in the complaint as follows:

"Also all other persons or parties, unknown, claiming any right, title, estate, lien, or interest in the real estate described in the complaint herein." Service of the summons may be had upon all such unknown persons or parties defendant by

publication, as provided by law in case of non-resident defendants. All such unknown persons or parties so served shall have the same rights as are provided by law in case of all the other defendants upon whom service is made by publication or personally and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have or claim any right, estate, lien, or interest in the said property in controversy at the time of the commencement of the action, duly served as aforesaid, shall be bound and concluded by the judgment in such action as effectually as if the action was brought against such defendant by his or her name, and personal service of the summons obtained, notwithstanding any such unknown person may be under legal disability. The court shall have full power and authority to order the property sold. In case of a sale, the court shall appoint a commissioner to make the sale, and shall direct the manner in which the sale shall be conducted; provided, that when any property is held in trust by any such agricultural society or association, such property held in trust shall be sold separately from any that may be held in fee. The commissioner shall make a report of sale to the court, which, after such notice as it may deem proper, shall proceed to hear the same, and if it finds that the sale was fairly conducted, and the price bid was proportionate to the value of the land sold, it shall make and enter a decree confirming the sale, and directing the commissioner to execute a deed to the purchaser. The deed executed by said commissioner, under and in pursuance of the decree of the court, shall be valid and effectual to convey to the purchaser an absolute title in fee simple to the premises; provided, however, that before the filing of any such complaint in the superior or any other court, it shall be necessary for such agricultural society, or any person or corporation claiming the title to such land, to prepare, sign, and properly acknowledge a good and sufficient deed or deeds sufficient to vest in the state all title, interest, or

claim which such society may have in and to any land to be affected by the proceedings hereby authorized to be instituted; such deed or deeds to be conditioned that the title, claim, or interest of such society embraced in such deed or deeds shall be held by the state of California in trust for the benefit of such society; which said deed or deeds shall be deposited with the state treasurer, to be by him held in escrow pending the final conclusion of such proceedings in such court. If the court in which such proceedings are had shall order such land to be sold, as herein provided for, the state treasurer shall forthwith file such deed or deeds with the county recorder of the county, or city and county, in which such land is located. If there be any liens upon or claims against the property, the court shall order them paid out of the proceeds of sale. The residue remaining, after paying the costs and expenses of sale and such liens and claims against the property as the court may order paid, shall be paid into the state treasury, where it shall remain until required for the purchase of other property for the use of such society or association, upon the order of the state controller; and it shall be drawn therefrom only upon authorization passed by the board of directors or trustees of such society or association, by and with the approval of the state board of examiners, and upon warrants duly drawn by the state controller. If, through any defect in the proceedings, or otherwise, the title should not pass, the state will indemnify the purchaser by repaying to him the amount paid by him; provided, such purchaser or purchasers shall file their claim or claims for the repayment of such purchase price with the state board of examiners within five years after the payment of such purchase price to the state treasurer in the first instance. The surplus of proceeds of sale, paid into the state treasury, shall be drawn out on certificate, signed by a majority of the directors, or governing body of such society or association, and also of the state board of examiners, stating that it is desired for the payment for other property for the use of such agricultural society; and upon receipt of such certifi-

cate, the treasurer shall pay to the said directors, or governing body, or person designated by them, all or such part of such surplus as may be required for the purchase of other property, provided, however, that if all or any portion of the real estate and the improvements thereon held by any state agricultural society under state control, shall have been acquired in the name of such society, or of any person, association, or corporation, in trust for the use of said, or any other agricultural society, originally, or at any time, by the use of money derived from taxation of the taxable property of any city and county, county, or city, then, and in that event, the surplus proceeds of any sale of such property shall be invested in other real estate within the same county, or city and county, for the same purpose, and not otherwise, or elsewhere. It is expressly provided that in no event shall the state be liable for the payment of any expense, interest, or attorneys' fees, incurred by any one, on any account, by or on behalf of any such agricultural society in their behalf; and it shall be incumbent on such society to make provision for the payment of the expenses, costs, attorneys' fees, and any interest that may be necessary to be paid any purchaser, by reason of repayment of any purchase money on account of failure of title to such lands; such provision for the payment of expenses, attorneys' fees, costs, and anticipated interest to be provided for prior to the issue of any summons, or order of publication in any action contemplated by this act. Amended March 16, 1899, Stats. 1899, ch. 92.

Sec. 2. If any real estate contemplated in the preceding section, purchased by the proceeds of taxes levied upon and collected from the taxable property of any city and county, county, or city, shall have been ordered sold, as in said section provided, and shall have been offered for sale in the mode therein specified, for a period of sixty days or more, and not all sold for want of an adequate price, the board of directors, or governing body of such society or association, shall be, and they are hereby authorized and empowered to exchange all or any part of such real estate for other land suitable for the use of such society, or association, within the same county, or city and

county, upon such terms as may be reasonable and just, and the deed or deeds executed for the conveyance of such real estate in exchange shall be executed by the board of directors of such society or association, or a majority thereof, and by the commissioner appointed in the proceedings provided for in the preceding section for the sale of such property, and such exchange of property shall be subject to, and with the approval of a judge of the superior court of the county, or city and county, in which the proceedings provided for were had. [New section added March 16, 1899; Stats. 1899, ch. XCII.]

Sec. 3. In case of the exchange of any portion of such property, as provided for in section two hereof, the real estate received in such exchange shall be subject to the indemnification of any person who shall receive any of the said real estate of said agricultural society in such exchange in case of any defect in the proceedings, or otherwise, whereby the title to such real estate of such society should not pass, and in such case of exchange the state of California shall be absolved from any obligation to pay any part of any purchase price, or value of exchanged property; provided further, that no claims for failure of title for any reason shall be entertained after five years from the date of such exchange. [New section added March 16, 1899; Stats. 1899, ch. XCII.]

Sec. 4. This act shall take effect immediately from and after its passage.

An act entitled an act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal all acts and parts of acts in conflict with this act.

[Stat. approved March 31, 1897; Stats. 1897, chap. ccxxv.]

Section 1. The several counties of this state are divided and classified into agricultural districts, and numbered as follows, to-wit:

The counties of San Francisco and Alameda shall constitute agricultural district No. 1.

The county of San Joaquin shall constitute agricultural district No. 2.

The county of Butte shall constitute agricultural district No. 3.

The counties of Sonoma and Marin shall constitute agricultural district No. 4.

The counties of San Mateo and Santa Clara shall constitute agricultural district No. 5.

The county of Los Angeles shall constitute agricultural district No. 6.

The county of Monterey shall constitute agricultural district No. 7.

The County of El Dorado shall constitute agricultural district No. 8.

The county of Humboldt shall constitute agricultural district No. 9.

The county of Siskiyou shall constitute agricultural district No. 10.

The counties of Plumas and Sierra shall constitute agricultural district No. 11; provided, that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

The counties of Lake and Mendocino shall constitute agricultural district No. 12.

The counties of Sutter and Yuba shall constitute agricultural district No. 13.

The county of Santa Cruz shall constitute agricultural district No. 14.

The county of Kern shall constitute agricultural district No. 15.

The county of San Luis Obispo shall constitute agricultural district No. 16.

The county of Nevada shall constitute agricultural district No. 17.

The counties of Mono, Inyo, and Alpine shall constitute agricultural district No. 18.

All that portion of Santa Barbara county lying east of the Gaviota and south of the Santa Ynez mountains, shall constitute agricultural district No. 19.

The county of Placer shall constitute agricultural district No. 20.

The counties of Fresno and Madera shall constitute agricultural district No. 21.

The county of San Diego shall constitute agricultural district No. 22.

The county of Contra Costa shall constitute agricultural district No. 23.

The counties of Tulare and Kings shall constitute agricultural district No. 24.

The county of Napa shall constitute agricultural district No. 25.

The county of Amador shall constitute agricultural district No. 26.

The counties of Shasta and Trinity shall constitute agricultural district No. 27.

The counties of San Bernardino and Riverside shall constitute agricultural district No. 28.

The county of Tuolumne shall constitute agricultural district No. 29.

The county of Tehama shall constitute agricultural district No. 30.

The county of Ventura shall constitute agricultural district No. 31.

The county of Orange shall constitute agricultural district No. 32.

The county of San Benito shall constitute agricultural district No. 33.

The county of Modoc shall constitute agricultural district No. 34.

The counties of Merced and Mariposa shall constitute agricultural district No. 35.

The county of Solano shall constitute agricultural district No. 36.

All that portion of Santa Barbara county not included in agricultural district No. 19 shall constitute agricultural district No. 37.

The county of Stanislaus shall constitute agricultural district No. 38.

The county of Calaveras shall constitute agricultural district No. 39.

The county of Yolo shall constitute agricultural district No. 40.

The county of Del Norte shall constitute agricultural district No. 41.

The county of Glenn shall constitute agricultural district No. 42.

The county of Lassen shall constitute agricultural district No. 43.

The county of Colusa shall constitute agricultural district No. 44.

Sec. 2. Where two or more counties shall constitute an agricultural district, each county shall be represented in the district board of directors by at least two resident citizens, as directors in said board; provided, that when by reason of the formation of a new agricultural district, a director of one district becomes a resident of another, his term of office as director will expire in sixty days after the formation of the new agricultural district. Whenever the board of directors of two or more agricultural districts shall, by a majority vote of each board, elect to unite, the said several districts may associate as one district, and hold a fair in any of said districts, and may for such purpose draw the appropriation for all of said districts, and expend the same for said fair.

Sec. 3. Any fifty or more persons, representing a majority of the counties within any one of the districts above constituted, may form an association, for the improvement of the material industries within such district, and when so formed, the association shall be known and designated by the name of ——— Agricultural Association, and by such name and style shall have perpetual succession, and shall have power and authority to contract and be contracted with, to sue and be sued, to have and use a common seal, to purchase and hold and lease real estate, with such buildings and improvements as may be erected thereon, and may sell and lease and dispose of the same at pleasure. The said real estate, except as hereinafter provided, shall be used by such association for the purpose of holding exhibitions of horses, cattle, and other stock, and of the agricultural, horticultural, viticultural, mechanical, manufacturing, and domestic products of such district, with a view to the improvement of all industries in the same. But the said association shall have the power, and are hereby authorized, to sell and

convey any portion of the real estate held by it, by whatever title derived, which may not be necessary for the permanent use of said association for the purposes aforesaid.

Sec. 4. The officers of such association shall consist of eight directors, who shall constitute a district board of agriculture for district number ——; a president, who shall be one of their number, and a secretary and treasurer, not of their number.

Sec. 5. Within ten days after the formation of any new agricultural association within any of the districts above constituted in accordance with the provisions of this act, and notice of such formation to the governor, the governor shall appoint eight resident citizens of such district as members of a district board of agriculture for said district, whose term of office shall be four years, except as hereinafter provided.

Sec. 6. Within ten days after their appointment, the persons so appointed shall qualify as required by the constitution, and shall meet at a place within the district and organize by the election of one of their number as president of the board and association, who shall hold said office of president one year, and until his successor is elected; they shall also elect a secretary and treasurer.

Sec. 7. At the same meeting the members of the board shall, by lot or otherwise, classify themselves into four classes of two members each. The term of office of the first class shall expire at the end of the first fiscal year; of the second class, of the second fiscal year; of the third class, of the third fiscal year; and of the fourth class, at the end of the full term of four years. The fiscal year shall be from December first to December first; provided, that all officers of agricultural districts now in office, under any law heretofore passed, shall hold office for the term for which they were appointed, except in cases specified in section two of this act. And the agricultural associations heretofore established shall be continued in force, and, so far as applicable, are made agricultural associations under this act.

Sec. 8. Each association so formed and organized is hereby declared, and shall be recognized, a state institution, and the board so appointed and qualified shall have the exclusive control and management of such institution, for and in the name of the state, and shall have possession and care of all the property of the association, and shall fix the terms of office and the bonds of the secretary and treasurer, and determine their salaries and duties. They shall have the power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; provided, that the state shall, in no event, be liable for any premium offered or award made, or for any debt contracted by any district board of agriculture, or agricultural association; and provided further, that nothing in this section shall be so construed as in any way to affect or modify any of the provisions of section eleven.

Sec. 9. When any district board of agriculture shall have been classified and organized as herein provided, the secretary of the board shall report such classification and organization to the state board of agriculture. He shall also report the same to the governor, and shall report any vacancy that may occur in the board to the governor, who shall fill the same, by appointment, for the unexpired term.

It shall be the duty of each district association formed under this act, to report to the state board of agriculture, on or before January first of each year, a detailed financial statement, together with a complete statistical review of the agricultural resources of each county in the district, for the year ending December thirty-first. Said review to contain the acreage and yield of all agricultural productions for the year previous, and such other data as may be asked for by the state board of agriculture in the furtherance of its duties.

Sec. 10. Whenever any such association desire to sell any portion of its real estate needed for the permanent use of the associa for the purposes specified in section three, such real estate be held by such association u a deed or deeds of trust conveying the said l in trust, to be held in perpetuity as a place holding agricultural exhibitions or fairs, or other permanent purposes of such associatio shall be lawful for such association to file complaint in the superior court of the count which such lands are situated, setting forth nature of the title under which they are held, that it is the desire of the said association to and dispose of such real estate, and praying judgment authorizing it to sell and convey same. In such action the trustee or trustee such deed or deeds, or the survivor or survi of them, or the heirs, or administrators, or cutors of deceased trustees, as the case may quire, shall be made parties defendant; and u service of the summons upon such defenda personally or by publication, or upon their app ance, the court shall have full jurisdiction in premises, and the deed executed under and pursuance of the judgment of the court shall valid and effectual to convey to the purchaser title of said association, and that of all of its decessors in title made parties to the suit.

Sec. 11. Every such association organized existing under the laws of the state, and wh has heretofore issued certificates of the cap stock of such association, and which certifica last mentioned have been accepted by the m bers of such association in lieu of certificates membership therein, may elect to have a cap stock, and may issue certificates of stock there in the same manner and with like effect as cor rations formed under the provisions of chap one, article one, of the Civil Code, relating to formation of corporations. In order to effect su change, a meeting of the holders of such alle certificates of capital stock may be called, which the holders of such alleged stock shall entitled to one vote for each share of such st

appearing in their names, respectively, upon the books of such association. Upon the receipt of a written application, signed by the holders of one-fourth of the shares of such alleged capital stock of such association, requesting him so to do, the secretary of such association shall give notice of the time and place of holding such meeting, by publication in some newspaper printed and published in such county, or city and county, in which the principal place of business of such association is located, at least once a week for three successive weeks next prior to the holding thereof. Such notice shall state that the object of the meeting is, (1) to determine whether such corporation elects to have a capital stock as provided by this act; (2) the amount of such capital stock, and (3) the number of shares into which the same shall be divided. At such meeting, should the holders of a majority of the shares of such alleged capital stock vote in favor of having a capital stock, and fix the amount thereof, and the number of shares into which it shall be divided, then such corporation shall issue certificates of capital stock to the amount fixed at such meeting, divided into the number of shares provided by said meeting, to the holders of such alleged capital stock, in the same proportion as such alleged stock appears in the names of such holders, respectively, upon the books of such association. A copy of the notice calling such meeting, the affidavit of publication thereof, the proceedings of such meeting, the amount of capital stock voted, number of shares into which the capital stock was divided, and to whom assigned, duly certified by the chairman of such meeting, and the secretary of such association, under the seal thereof, must be filed with the secretary of state and the clerk of the county where such association has its principal place of business. Thereafter such association shall be possessed of all rights and powers, and shall be subject to all the obligations and restrictions, as if it had been originally created a corporation with a capital stock, including the right to elect a board of directors authorized to exercise such control of all the property of such association, as provided

in chapters one, two, three, and four of the civil Code, relating to corporations; provided, such association shall have no authority to sell any portion of the real estate owned and held by it, by whatever title derived, which may be necessary for the permanent use of such association, for the purposes aforesaid; and provided further, that in the event that such association, after the issuance of a capital stock as aforesaid, shall be offered aid at any time from the state by appropriation, for the purpose of holding an annual district fair, and such association, by a vote of the board of directors, elected as hereinafter provided, adopts a resolution accepting such appropriation, then and in that event said annual fair shall be held under the control and management of the district board of agriculture of such district; but said district board of agriculture shall have no other authority, control, or management of or over the property of such association, and the authority which it may exercise over said property shall continue only during the time occupied in holding the said district fair, which time shall not extend over more than one week annually.

When any corporation has elected to issue capital stock under this act, the president thereof shall, within ten days after filing with the secretary of state of the certificate hereinbefore provided, call a meeting of the stockholders of such corporation, for the purpose of electing a board of directors of such corporation, which board of directors shall hold their office until their successors are elected and qualified, and thereafter a board of directors of such corporation shall be elected annually, on the day of the month upon which the election of said first board of directors elected as aforesaid is held, unless a different day for holding such election is fixed by the board of directors of such corporation, by its by-laws, properly adopted.

Sec. 12. All acts or parts of acts in conflict with this act are hereby repealed.

Sec. 13. This act shall take effect from and after its passage.

Prior acts on this subject will be found in acts Gen. Laws—2.

of 1880, p. 62; 1887, p. 80; 1889, p. 78; 1893, p. 282; 1891, p. 138; 1895, pp. 14, 75, and 100.

TITLE 6.

ALAMEDA COUNTY.

For a reference to special and local acts relating to Alameda county, see Deering's Annotated Penal Code, p. 421, et seq.

TITLE 7.

ALIENS.

An Act relating to the appointment of aliens to positions under State, county, city and county, city, or town officials.

Aliens not to be appointed deputies or clerks.

Section 1. No person shall be employed as a deputy or clerk in any public office of the State, or of any county or municipality therein, who is not a citizen of the United States.

Sec. 2. This Act shall take effect immediately. [Approved April 3, 1880; 1880, 23 (Ban. ed 116).]

An Act to prohibit the issuance of licenses to aliens not eligible to become electors of the State of California.

Licenses prohibited to aliens not eligible to become electors.

Section 1. No license to transact any business or occupation shall be granted or issued by the State, or any county, or city, or city and county, or town, or any municipality corporation, to any alien not eligible to become an elector of this State.

Misdemeanor.

Sec. 2. A violation of the provisions of section one of this Act shall be deemed a misdemeanor, and be punished accordingly. [Approved April 12, 1880; 1880, 39 (Ban. ed. 192).]

This Act was declared unconstitutional in People v. Quong On Long, 6 Pac. Coast Law Journal, 116.

An Act to provide for indexing the names of persons who have declared their intention to become or who have become citizens of the United States, in the several courts of record in this State.

[Approved February 8, 1872; Statutes 1871-2, p. 80.]

This act imposed the duty prescribed upon courts of record and allowed a fee for the service.

TITLE 8.

ALPINE COUNTY.

For a reference to special and local acts relating to Alpine county, see Deering's Penal Code, p. 421.

TITLE 9.

AMADOR COUNTY.

For a reference to special and local acts relating to Amador county, see Deering's Annotated Penal Code, p. 424, et seq.

TITLE 10.

ANIMALS.

See Cruelty to Animals, post. Estrays, post.

An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor. Stats. 1899, ch. 96. Created office of state veterinarian.

An act to encourage the destruction of wild animals in the different counties of the state, and authorizing the board of supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

[Approved March 15, 1883; 1883, 368.]

Destruction bounty.

Section 1. It shall be lawful for the board of supervisors of each county in the state, in its discretion, to fix and determine the bounty, and such bounties shall be paid out of the general county fund, to be paid for the destruction of each coyote, wild-cat, fox, lynx, bear, or lion, and to prescribe rules for making proof of such destruction, and obtaining such bounty.

Sec. 2. This act shall take effect and be in force from and after its passage.

An act to regulate the disposition of the hides of cattle killed or slaughtered in the state of California.

[Approved March 23, 1893; Stats. 1893, p. 235.]

Section 1. Any person or persons who shall at any time kill or slaughter, or who shall cause to

be killed or slaughtered, any cattle, either for his or their own use and consumption, or for sale, shall retain, or cause to be retained, in their possession, the hides taken off said animals, with the ear-marks attached thereto, without any alteration or disfiguration of the brands or marks on said hide or ears, for the period of ten days.

Sec. 2. Any justice of the peace, constable, owner of cattle, or any other person, may, within the period of time mentioned in the first section of this act, demand an exhibit of the hide or hides of any cattle so killed or slaughtered (as herein provided) by the person so killing or slaughtering the same, or by any other person for whose use or benefit said animal was killed; and upon such demand being made, he or they shall produce the same for the inspection of said justice of the peace, constable, owner of cattle, or any other person.

Sec. 3. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the county jail for any term not less than ten days nor more than ninety days, or by both such fine and imprisonment.

Sec. 4. This act shall take effect and be in force from and after its passage.

For other acts relating to, see Civil Code, appendix, title Animals, p. 705, et seq.; Penal Code, appendix, title Animals, p. 506, et seq.

APIARIES.

See Bee-Culture.

TITLE 11.

APPEALS.

Acts relating to, see Code of Civil Procedure, appendix, title Appeals, p. 787.

TITLE 12.

APPRENTICES.

Acts relating to, see Civil Code, appendix, title Apprentices, p. 708, et. seq.

TITLE 13.

ARBITRATION.

An act to provide for a state board of arbitration for the settlement of differences between employers and employees, to define the duties of said board, and to appropriate the sum of twenty-five hundred dollars therefor.

[Approved March 10, 1891; Stats. 1891, p. 49.]

Section 1. On or before the first day of May of each year, the governor of the state shall appoint three competent persons to serve as a state board of arbitration and conciliation. One shall represent the employers of labor, one shall represent labor employees, and the third member shall represent neither, and shall be chairman of the board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the governor shall appoint some one to serve the unexpired term; provided, however, that when the parties to any controversy or difference, as provided in section two of this act, do not desire to submit their controversy to the state board, they may by agreement each choose one person, and the two shall choose a third, who shall be chairman and umpire, and the three shall constitute a board of arbitration and conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the state board. The members of the said board or boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure

as they may deem best to carry out the provisions of this act.

Sec. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employees, the board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute and make a written decision thereof. This decision shall at once be made public, and shall be recorded upon proper books of record to be kept by the board.

Sec. 3. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon receipt of said application, the chairman of said board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the board entailed thereby. The board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

Sec. 4. The decision rendered by the board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement

shall be entered as a part of the decision. Said notice may be given to the employees by posting a notice thereof in three conspicuous places in the shop or factory where they work.

Sec. 5. Both employers and employees shall have the right at any time to submit to the board complaints or grievances and ask for an investigation thereof. The board shall decide whether the complaint is entitled to to a public investigation; and if they decide in the affirmative, they shall proceed to hear testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

Sec. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the state treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

Sec. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the expenses of the board for the first two years after its organization.

Sec. 8. This act shall take effect and be in force from and after its passage.

TITLE 14.

ARTESIAN WELLS.

An act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this state.

[Approved March 9, 1878; 1877-8, 195.]

What artesian wells declared nuisances—Misdemeanor.

Section 1. Any artesian well which is not capped, or furnished with such mechanical appliance as will readily and effectively arrest and prevent the flow of water from such well, is hereby

declared to be a public nuisance. The owner, tenant, or occupant of the land upon which such well is situated, who causes, permits, or suffers such public nuisance, or suffers or permits it to remain or continue, is guilty of a misdemeanor.

Same.

Sec. 2. Any person owning, possessing, or occupying any land upon which is situated an artesian well, who causes, suffers, or permits the water to unnecessarily flow from such well, or to go to waste, is guilty of a misdemeanor.

Artesian well defined.

Sec. 3. An artesian well is defined, for the purposes of this act, to be any artificial well, the waters of which will flow continuously over the natural surface of the ground adjacent to such well at any season of the year.

Waste defined.

Sec. 4. Waste is defined, for the purpose of this act to be the causing, suffering, or permitting the waters flowing from such well to run into any river, creek, or other natural watercourse or channel, or into any bay, lake, or pond, or into any street, road, highway, or upon the land of any person other than that of the owner of such well, or upon public lands of the United States or of the state of California, unless it be used thereon for the purposes and in the manner that it may be lawfully used upon the land of the owner of such well; provided, that this section shall not be so construed as to prevent the use of such waters for the proper irrigation of trees standing along or upon any street, road, or highway, or for ornamental ponds or fountains, or the propagation of fish.

Proceedings for misdemeanor.

Sec. 5. Any person violating any of the provisions of this act may be proceeded against for a misdemeanor in any justice's court of the county in which such well is located, and shall, upon conviction, be fined for each offense not less than ten or more than fifty dollars. There shall also, upon conviction had, in addition to such fine, be taxed against such party the cost of presecution. Such fine and costs may be collected as in other criminal cases, and the justice may also issue an exe-

cution upon the judgment therein rendered, and the same may be enforced and collected as in civil cases.

Duty of supervisors.

Sec. 6. It shall be the duty of the supervisors or road-masters, on complaint of any citizen within their respective districts, and for that purpose may at all proper times enter upon the premises where such well is situated; and it shall be his duty to institute, or cause to be instituted, criminal action for all violations of the provisions of this act, or for all public offenses defined in this act committed within such district.

Repeal.

Sec. 7. An act entitled "An act to regulate the use of artesian wells and to prevent the waste of subterranean waters in Santa Clara and Los Angeles counties," approved March eighteenth, eighteen hundred and seventy-six, and all other acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Sec. [8.] This act shall not apply to artesian wells in the county of San Bernardino.

Sec. 9. This act shall take effect and be in force on and after the first day of July, A. D. eighteen hundred and seventy-eight.

TITLE 15.

ATTORNEY GENERAL.

Acts relating to, see Political Code, Appendix, title Attorney General, p. 957.

TITLE 16.

AUDITORS.

Act relating to, see Political Code, Appendix, title, Auditors, p. 957.

TITLE 17.

BANKS AND BANKING.

An act creating a board of bank commissioners, and prescribing their duties and powers.

[Approved March 30, 1878; 1877-8, 740.]

Commissioners appointed—Who qualified.

Section 1. On or before the fifteenth day of May, A. D. eighteen hundred and seventy-eight, the governor shall appoint three competent persons, one of whom shall be an expert of accounts to be styled bank commissioners, who shall hold office for a period of four years, and until their successors are appointed and qualified, and no two commissioners to be appointed under this act shall be residents of the same county. The persons who are so appointed shall have no official connection with nor be in the employ of any saving bank, or bank, or banking company, or banking society, nor shall they, during their term of office, own or be interested in the stock or other property thereof. Said commissioners shall have their office in the city of San Francisco.

Official bonds.

Sec. 2. The bank commissioners, before entering upon the duties of their office, must each execute an official bond in the sum of twenty thousand dollars, and take the oath of office, all as prescribed by the Political Code for state officers in general.

License to transact business of a savings bank.

Sec. 3. The duties of the Bank Commissioners shall be to prepare and furnish to every savings bank, bank, and banking company, or any other corporation incorporated under the laws of this State, or of any other State or Territory, or foreign country, doing a banking business in this State, applying therefor, a license, in the form to be prescribed by them, authorizing such corporation to use the name and to transact the business of a savings bank, bank, or banking company, until the first day of July next thereafter; to receive and place on file in their office the reports requir-

ed to be made by savings banks, banks, or banking corporations, by this Act; to prepare and furnish, on demand, to all persons, firms, partnerships, corporations, or officers required to make and return statements or reports to said Bank Commissioners by the provisions of this Act, blank forms for such statements or reports as may by law be required of them; to make, on or before the first day of October in each year, a report to the Governor of this State, containing a tabular statement and synopsis of the several reports which have been filed in their office since their last report, and any other proceedings had or done by them under this Act, showing generally the condition of the respective savings, commercial, and other banking corporations or institutions of this State, and such other matters as in their opinion may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Visit and examine banks.

Sec. 4. It shall be the duty of one or more of the Bank Commissioners, as designated by the Commissioners, once in each year, and as often as in their judgment may be deemed necessary, without previous notice, to visit and make, personally, a full examination of each and every corporation mentioned in section three of this Act: to inspect all books, papers, notes, bonds, or evidences of debt of such corporation, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill its obligations, and, if in their opinion it is deemed necessary, report its condition to the Attorney-General as soon as practicable after such examination. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Power to examine officers.

Sec. 5. Such Commissioners must examine, under oath, any of the officers, agents, and servants of any such corporation, in relation to the affairs and condition of such corporation, and may administer such oath personally; and whoever shall neglect or refuse, after demand and notice thereof,

and without justifiable cause, to appear, or testify under oath, before the said Commissioners in the discharge of their duties, shall be deemed guilty of misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Insolvent corporations—Commissioner to report.

Sec. 6. If any bank commissioner shall have knowledge of the insolvency or unsafe condition of any corporation mentioned in this act, and shall neglect to report the same, in writing, to the attorney-general, as required by this act, he shall on conviction thereof, be punished by a fine not exceeding ten thousand dollars nor less than five thousand dollars, or by imprisonment in the county jail not less than one year nor more than two years, or by both such fine and imprisonment, and his office shall be declared vacant by the governor, and a successor be appointed for the unexpired term.

Banks must procure license.

Sec. 7. No corporation shall use the name or transact the business of a savings bank, or bank, or banking corporation, without the license provided for by section three of this Act; and any corporation violating this provision shall forfeit the sum of one hundred dollars per day during the continuance of the offense; and any person who enters upon, engages in, or carries on, or in any manner attends to the business or management of a savings bank, or bank, or banking corporation, doing business without such license, whether as manager, principal, agent, officer, employé, or otherwise, shall forfeit the sum of one hundred dollars for every day he so enters upon, engages in, or carries on, or attends to such business; and any violation of this section is also hereby declared to be a misdemeanor. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

License received on what condition.

Sec. 8. No savings bank shall receive the license in this act provided for, unless at least fifty per cent of all its loans shall be secured by first mort-

gage, or other prior lien, upon real estate situate within this state; such loans, at the date when made, hereafter, not to exceed sixty per cent of the market value of the security, except when made for the purpose of facilitating the sale of property owned by the corporation. And it shall be unlawful for any savings and loan society, or savings bank, to purchase, invest, or loan its capital, or the money of its depositors, or any part of either, in mining shares or stocks. Any president or managing officer who knowingly consents to a violation of the above provision shall be deemed guilty of a felony.

Semi-annual reports.

Sec. 9. Any corporation mentioned in section three of this Act, including banks in liquidation or insolvency, shall, whenever required by the Board of Bank Commissioners, make a report in writing to the Commissioners, verified by the oath of its President and its Secretary or Cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the Commissioners specified, by stating:

First—The amount of its capital stock, and the number of shares into which it is divided.

Second—The names of the Directors, and the number of shares of stock held by each.

Third—The total amount actually paid, in money, by stockholders for capital stock, and the total amount of reserve fund, if any.

Fourth—The total amount due to depositors.

Fifth—The total amount and character of any other liabilities it may have.

Sixth—The amount at which the lot and building occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

Seventh—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any

name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank.

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof.

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof.

Tenth—The amount of money loaned on other securities with a particular designation of each class, and the amount loaned on each.

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place.

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amounts so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the Commissioners be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the Commissioners within fifteen days after the receipt from them of a request or requisition therefor. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Penalty.

Sec. 10. Any corporation mentioned in section three of this act, failing to furnish to the Bank Commissioners any report by them required under the provisions of this act, within the time herein specified, shall forfeit the sum of one hundred dollars per day during the time of such default. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Discontinuance of illegal practice.

Sec. 11. If the Bank Commissioners, on exam-

ination of the affairs of any corporation mentioned in section three of this act, shall find that any such corporation has been guilty of violating its charter, the laws of this State, or any of the provisions of this act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said Commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the Commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of Court hereinafter mentioned, and to immediately notify the Attorney-General of their action; and it is hereby made the duty of the Attorney-General, upon receiving such notification, to immediately commence suit in the proper court against such corporation, and all the Directors or Trustees thereof, to enjoin and prohibit them from the transaction of any further business. If, upon the hearing of the case, the Court shall find that it is unsafe for such corporation to continue business, and that such corporation or institution is insolvent, said Court shall issue the injunction applied for and shall cause the same to be served according to law, and shall order the Commissioners to surrender to the corporation the property thereof in their possession for the purpose of liquidation; or, if the Court shall find that such corporation is solvent, and may safely continue business, it shall dismiss the action and order that the corporation be restored to the possession of its property. The issuance of the injunction hereinabove provided for shall, by operation of law, dissolve any and all attachments levied upon any property of such corporation within one month next preceding the date of the notification by the Commissioners to the Attorney-General as provided for in this section,

and no attachment or execution shall, after the issuance of such injunction and during the process of liquidation hereinafter provided for, be levied upon any property of said corporation, nor shall any lien be created thereon. And if it shall appear to the court at such hearing, or at any time during the liquidation hereinafter provided for, on the petition of one or more of the Bank Commissioners, or any other interested party, that any of the Directors or Trustees, or officers of said corporation have been guilty of fraud, malversation, or criminal carelessness or negligence, and that any of them are not the proper persons to be intrusted with the closing of the affairs and business of such corporation in the interest of the depositors, creditors, and stockholders thereof, the said Court shall cause to be issued in said action and served upon said Directors or Trustees, or officers, or any of them, an order to show cause why they, or any of them, should not be removed from office, which order shall briefly recite the grounds of the application, and shall be returnable at a time to be fixed by the Court; and if on the hearing the Court shall find that such Directors or Trustees, or officers, or any of them, ought to be removed from office, it shall enter its order of removal accordingly, which order shall be final in the premises; and if the Board of Directors or Trustees of the corporation shall neglect, for the period of ten days after such removal, to elect or appoint a successor or successors to the person or persons so removed, then the Court, by an order entered in said cause, shall appoint such successor or successors; and the Court shall also have power in like manner to fill all vacancies occurring in the Board, and to appoint Directors or Trustees in their stead, whenever from any cause there are no directors or trustees, or not a sufficient number thereof to constitute a quorum for the transaction of business; or when from any cause there are no Directors or Trustees, the Court may order an election by the stockholders to be held according to law. Subject to this right of removal and appointment, the Directors or Trustees of all banking corporations in liquidation shall be permitted to continue the management of the affairs of such corporations during the pro-

cess of liquidation, under the direction of the Bank Commissioners, as hereinafter provided. The affairs of every corporation mentioned in this act, which is hereafter forced into liquidation under the provisions of this act, or otherwise goes into liquidation, shall be closed, and the business thereof settled within four years from the time it shall enter into liquidation, unless at the expiration of such time it shall obtain the consent, in writing, from a majority of the Board of Bank Commissioners, to continue in liquidation for a longer period. The Bank Commissioners shall, however, have no power to grant a continuance for such purpose for a longer period than one year at each time, and the affairs of any corporation in process of liquidation at the time of the adoption of this section, as amended, shall be closed within a time to be designated by such Bank Commissioners. Any corporation mentioned herein now in liquidation, or that hereafter goes into liquidation, shall make reports of the condition of its affairs to the Bank Commissioners in the same manner as the solvent banks mentioned in this act, and in addition thereto, shall state the amount of dividends paid, debts collected, and the amounts realized on property sold, if any, since the previous report. The Bank Commissioners shall have the power, and it is hereby made their duty, to examine the condition of every such corporation in liquidation, in the same manner as in the case of solvent banks; and they shall have a general supervision of any such corporation. They shall have the power to limit the number of employés necessary to close up the business of any such corporation, and to also limit the salaries of the same, and shall do all in their power to make such liquidation economical and as expeditious as the interests of the depositors and stockholders will admit. If any officer or employé of any corporation, insolvent or in liquidation, mentioned in this act, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said Bank Commissioners given in accordance with the provisions of this act, such officer or employé shall be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the county jail for not exceed-

ing one year, or by both such fine and imprisonment, as a Court of competent jurisdiction may determine. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Salaries and traveling expenses of Commissioners.

Sec. 12. The Bank Commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed, for the three Commissioners, the sum of three thousand dollars per annum, to be audited by the State Controller and paid by the State Treasurer, in the same manner as the salaries and expenses of other state officers. No person while holding any other office, or engaged in business of any kind requiring his personal attention between the hours of nine A. M. and four P. M., shall serve as Bank Commissioner. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Annual reports, distribution of.

Sec. 13. The bank commissioners shall furnish each member of the legislature with a copy of their annual report, at each session of the legislature, during the first week of the session. [Amendment approved March 10, 1887; Stats. 1887, 90; In effect immediately.]

Secretary and salary.

Sec. 14. The Bank Commissioners shall have power to appoint a Secretary, at a salary of two hundred dollars per month. The said Commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month. They may also provide stationery, fuel, and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of five hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the Commissioners. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Sec. 15. All reports required to be made to the Bank Commissioners by the provisions of this act shall be filed and kept on file by the Bank Com-

missioners, in their office, and shall be open to the inspection of the public during their office hours. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Sec. 16. To pay the salaries and all other necessary expenses of the Commissioners, as provided for by this act, every corporation receiving a license shall pay annually, in advance, to the Commissioners, in gold coin, its share of the amount required to pay such salaries and expenses; the share to be paid by any corporation to be determined by the proportion which its deposits bear to the aggregate deposits of all such corporations receiving licenses, as shown by the latest reports of such corporations to the Commissioners. Said Commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, firm, person, or persons mentioned in this act, copies of papers, statements, and reports filed in their office, and may, as provided by this act, recover any and all moneys payable to them by any corporation, association, society, company, institution, firm, person, or persons, herein mentioned; and all moneys collected or received by such Bank Commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the Treasurer of this State, who shall pay the same into a fund which is hereby created, and which shall be known as the "Bank Commissioners' Fund." And the unexpended balances of all moneys heretofore paid into the State Treasury by said Bank Commissioners shall be transferred to said fund and become a part thereof. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Commissioners to keep books.

Sec. 17. The Bank Commissioners shall keep proper books of record of all acts, matters, and things done by them under the provisions of this act, which shall be open to the inspection of the public during their office hours.

Subpœnas to be issued.

Sec. 18. The Bank Commissioners may issue subpœnas for witnesses to attend and testify before them, on any examination by this act au-

thorized, which must be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases; the Commissioners to issue attachments, and impose the penalty for disobedience, and the witnesses may be punished as provided in the Penal Code.

Commissioners to receive money.

Sec. 19. The Bank Commissioners may sue for and recover, in the name of the people, in any court of competent jurisdiction, all sums of money which become due, payable, or forfeited by any of the provisions of this act.

Commissioners to deliver property.

Sec. 20. The Commissioners shall, upon the expiration of their term of office, deliver to their successors, or if there be none, then to the controller of state, all property, books, reports, and papers of every description pertaining to their office.

Sec. 21. All acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Sec. 22. This act shall take effect and be in force from and after the fifteenth of May, A. D., eighteen hundred and seventy-eight.

True names of persons engaged in banking business not incorporated.

Sec. 23. Every person, or number of persons, not being incorporated, engaged in the business of banking, or publicly receiving money on deposit, shall conduct such business under a name which shall show the true names of all persons engaged in said business, unless such person or persons have complied with or shall forthwith comply with the provisions of article seven, of chapter two, title ten, part four, division third, of the Civil Code of this State. Every person engaged for himself, or any person being the cashier, manager, or agent of two or more persons, not incorporated, engaged in the business of banking, or publicly receiving money on deposit, must, three times in each year, or oftener, as may be required by the Board of Bank Commissioners, make a report, in writing, to the Commissioners, verified under oath, which report shall show the actual financial condition of the said business on any past day by the

Commissioners specified, and shall also state the facts required to be stated by incorporated banks or banking corporations in section nine of this act, so far as the same appertain to said business. Such reports shall be transmitted to the Commissioners within fifteen days after the receipt from the Commissioners of a request or requisition therefor. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment. [Amendment approved March 26, 1895; Stats. 1895, chap. clxvii.]

Sec. 24. No savings bank, or bank, or banking corporation, shall be incorporated in this State and conduct such banking business in a city or town of five thousand inhabitants or under with a capital stock of less than twenty-five thousand dollars, or in a city or town of over five thousand and not exceeding ten thousand inhabitants with a capital stock of less than fifty thousand dollars, or in a city or town of over ten thousand and not exceeding twenty-five thousand inhabitants with a capital stock of less than one hundred thousand dollars, or in a city or town of over twenty-five thousand inhabitants with a capital stock of less than two hundred thousand dollars. Before the Secretary of State issues to any corporation that proposes to do a banking business his certificate of the filing of the articles of incorporation, there must be filed in his office the affidavit of the persons named in said articles as the first Directors of the corporation, that all the capital stock has been actually and in good faith subscribed, and at least fifty per centum thereof paid, in lawful money of the United States, to a person in such affidavit named, for the benefit of the corporation. The remainder of the capital stock must be paid in within two years after said banking corporation receives from the Commissioners its first license to transact business, and if not so paid, no further license shall be issued to it; provided, however, that the provisions of this section shall not apply to corporations now in existence. [New sec

tion approved March 26, 1895; Stats. 1895, chap. clxvii.]

Sec. 25. The directors of any savings bank, bank, or banking corporation having a capital stock, may semi-annually declare a dividend of so much of the net profits of the stockholders as they shall judge expedient; but every such corporation shall, before the declaration of such dividend, carry at least one-tenth (1-10) part of the net profits of the stockholders for the preceding half year to its surplus or reserve fund until the same shall amount to twenty-five per centum of its paid-up capital stock. But the whole, or any part of such surplus or reserve fund, if held as the exclusive property of stockholders, may at any time be converted into paid-up capital stock, in which event such surplus or reserve fund shall be restored in manner as above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. A larger surplus or reserve fund may be created, and nothing herein contained shall be construed as prohibitory thereof. [New section approved March 26, 1895; Stats. 1895, chap. clxvii.]

Sec. 26. The use of the word bank, or any other word or terms denoting or implying the conduct of the business of banking, or the use of the word savings, alone or in connection with other words denoting or implying the conduct of the business of a savings institution, or a savings and loan society, is hereby prohibited to all persons, firms, associations, companies, or corporations other than those subject to the supervision of the Bank Commissioners or required by this act to report to them; and no license as in this act provided shall be issued by the Commissioners to any corporation that does not receive money from the public as deposits in manner customary with commercial or savings banks. Any person, firm, association, company, or corporation not subject to the supervision of the Bank Commissioners or not required by this act to report to them, making use of terms implying conduct of a bank, savings bank, or savings and loan society, by means of signs, advertisements, letter heads, bill heads, blank notes, blank receipts, certificates, circulars, or any written or printed, or partly written and partly print-

ed, paper whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank, or savings and loan society, shall forfeit for each day the offense is continued the sum of one hundred dollars, to be recovered as provided in this act. [New section approved March 26, 1895; Stats. 1895, chap. clxvii.]

Sec. 27. No banker, nor officer of any bank or corporation doing a banking business, shall advertise in any manner, or publish any statement of the capital stock authorized or subscribed, unless he advertise and publish in connection therewith the amount of capital actually paid up. Any officer, or the officers of any bank or corporation doing a banking business, advertising in any manner, or publishing a statement of the capital stock of such bank or banking corporation, authorized or subscribed, without the statement in connection therewith of the stock actually paid up, shall be guilty of a misdemeanor. [New section approved March 26, 1895; Stats. 1895, chap. clxvii.]

For other acts relating to banks see Civil Code, Appendix, title Banks and Banking, p. 715 et seq.

TITLE 18.

BEE-CULTURE.

An Act to authorize the boards of supervisors of the several counties of this state to appoint inspectors of apiaries and provide for their compensation, and defining their duties, and for the further protection of bee-culture.

[Approved March 13, 1883; 1883, 285.]

The nature of the act appears from its title.

TITLE 19.

BENEFIT SOCIETIES.

Acts relating to, see Civil Code, Appendix, title Benefit Societies, p. 723.

BLIND.

See Home of Adult Blind; Medicine.

TITLE 20.

BLUE BOOK.

Acts to provide for the publication of the state blue-book or roster, approved March 23, 1893; Stats. 1893, p. 218; and approved March 31, 1891; Stats. 1891, p. 454.

TITLE 21.

BOARD OF EXAMINERS.

Acts relating to, see Political Code, Appendix, title Board of Examiners.

TITLE 22.

BOARDS OF FREEHOLDERS.

An act in relation to municipal elections where the same are held separate from general state elections, and elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an act entitled an act in relation to elections held under the authority of section eight of article eleven of the constitution, approved March 31, 1897. [Approved March 4, 1899; Stats. 1899, ch. LIV.]

TITLE 23.

BONDS.

Acts relating to: See Civil Code, Appendix, title, Bonds, p. 725; Code of Civil Procedure, Appendix, title, Bonds, p. 788.

An Act to provide for funding the indebtedness of counties in certain cases.

Outstanding indebtedness of counties.

Section 1. Whenever any county shall have had, at twelve o'clock, meridian, on the first day of January, eighteen hundred and eighty, an outstanding indebtedness, evidenced by bonds or warrants thereof, theretofore legally issued, and such indebtedness, or any part thereof, shall have been thereafter paid in accordance with the laws in force at the time such bonds or warrants were issued, out of the income and revenue received by such county since that date, and such county shall have, since that date, incurred an indebtedness, evidenced by warrants thereof, which indebtedness shall not have exceeded in any year the income and revenue provided for such county for such year, and which warrants shal lnot have been paid by reason solely of such application of the current revenue of such county to the payment of such former indebtedness, the board of supervisors of such county, by a vote of two-thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund such last-mentioned indebtedness, and to issue bonds of such county therefor in the manner provided in subdivision fourteen of section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three; and all the provisions of said subdivision of said section shall apply to the issuance, disposal and payment of such bonds, and to the levy of taxes for the redemption of the same, except as herein otherwise provided.

Indebtedness that shall not be funded.

Sec. 2. No indebtedness of such county shall be funded, under the provisions of this Act, which in any year exceeding the income and revenue provided for such county for such year, nor which shall exceed the amount of current revenue which shall have been so applied to the payment of indebtedness outstanding at twelve o'clock, meridian, on the first day of January, eighteen hundred and eighty.

Further recital in bonds.

Sec. 3. Such bonds shall, in addition to the matters required to be stated therein by the provisions of the above-mentioned Act, contain a statement that they are issued under authority of this Act, referring to the same by its title and date of passage.

The manner of exchange of bonds for warrants.

Sec. 4. Such bonds, when issued, may be exchanged by the County Treasurer, under the direction of the board of supervisors, only for warrants of such county legally issued since twelve o'clock, meridian, on the first day of January, eighteen hundred and eighty, which, together with warrants theretofore issued, did not in any year exceed the income and revenue provided for such county for such year, and which shall remain unpaid solely because the revenue otherwise applicable to the payment of the same shall have been so applied to the payment of such former indebtedness. If any portion of such bonds shall be sold for money, the proceeds thereof shall be applied exclusively to the payments of the warrants mentioned in this section.

Sec. 5. This Act shall take effect immediately. [Approved May 8, 1884; 1884, 8.]

An Act providing for the destruction of municipal bonds of municipal corporations where the same have been executed and remain unsold.

Section 1. Whenever there remain in the possession of any municipal corporations in this State any bonds voted to be issued for municipal purposes, which have been executed but not sold and disposed of, and the sale and disposal of such bonds shall be deemed by the board of trustees or other governing board of such city to have become impossible or inexpedient, and that their destruction is desirable, it shall be lawful for said board to give public notice of its intention publicly to destroy such bonds by a notice published for four successive weeks in the official newspaper of said city, if there be such a paper, and otherwise, in any newspaper published and circulated in said city which may be designated by said board;

such notice shall specify the time and place of such intended destruction, and the reason alleged therefor, together with a general description of the character and amount of said bonds. And it shall be lawful for said board, at the time and place and in accordance with the terms of said notice, publicly to destroy said bonds unless at least three days prior to said time, written objections to such destruction shall be filed with the clerk of said city, signed by a majority of the legal voters of said city as appears by the vote cast at the last preceding general municipal election.

Sec. 2. No further or other issue of bonds in place of those thus destroyed shall be made by such city, or its board of trustees, or other governing board, unless again authorized by a vote of the people as provided by law.

Sec. 3. This Act shall take effect and be in force from and after its passage. [Stat. approved February 26, 1897; Stats. 1897, chap. xxxvii.]

Special acts fixing the bonds of certain officers are referrred to in Deering's Annotated Political Code, under section 4122.

TITLE 24.

BOUNDARY OF STATE.

An act to provide for the correction and establishment of a portion of the eastern boundary line of the state of California, and to appropriate money therefor.

This act was approved February 26, 1889; Stats. 1889, p. 36.

TITLE 25.

BRIDGES.

An Act concerning bridges across navigable streams.

Section 1. The board of supervisors of any county in this State now controlling or maintain-

ing, by virtue of any statute, any bridge across any navigable stream wholly or in part within the boundary lines of any municipal corporation, is hereby authorized and empowered, whenever it may become necessary, in the interest of commerce or by reason of any such bridge being out of repair, to reconstruct and rebuild any part of such bridge, or replace said bridge by a new structure, or with the consent of the governing bodies of such municipalities change the location of such bridge to such place on such stream as may be better suited to its use, or to the use of such navigable stream; and the board of supervisors of any county is hereby authorized to abandon any such existing bridge and rebuild a new bridge at such changed location, and the board of supervisors of any such county so rebuilding and reconstructing said bridge may enter into an agreement with any person or corporation, now maintaining any bridge across any such navigable stream, for the building of a joint bridge for the purpose of preventing the impeding of commerce on such navigable streams, and of apportioning the expense be tween said county and said person or any corporation, in such manner as may be agreed upon between said county and said person, or corporations.

Sec. 2. The expense of said reconstruction, or the building of a new bridge, to be payable out of the same fund as is now provided by law for the maintenance and repair of any such bridge; provided, that in case said county should make such agreement with said person or corporation for the building of any joint bridge, that only the county's portion of said joint bridge, as may be settled by said agreement, shall be paid from the said funds; and, provided, that in no event shall the county pay more than one half the cost of construction, repair or reconstruction of any such joint bridge.

Sec. 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Sec. 4. This Act shall take effect from and after its passage. [Stat. approved February 25, 1897; Stats. 1897, chap. xxv.]

An Act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters.

Power of supervisors to erect bridges.

Section 1. The power to erect bridges on public highways across navigable streams in this state, or to grant franchises to individuals, or corporations for the same, is hereby granted to the boards of supervisors of the several counties of the state, under the restrictions of this act.

Regulation of tolls, by whom exercised.

Sec. 2. The power to grant franchises to individuals or corporations to construct bridges, and the regulation of tolls thereon, shall be exercised by the county on the left bank of all streams.

Supervisors may join between counties.

Sec. 3. Where a navigable stream is the boundary line between the counties, the boards of supervisors of such counties may join in the construction of a bridge, upon such terms as may be agreed upon; provided, however, that in case of a failure to agree, either county may build the bridge and maintain control thereof.

Notify state engineer.

Sec. 4. Whenever the supervisors of any county or counties desire to erect a bridge on any public highway, or to grant the privilege so to do to any individual or corporation, across a navigable stream, under the provisions of this act, said board or boards shall notify the state engineer of such purpose, and of the precise point where such bridge is proposed to be located. The state engineer shall, within ten days of the receipt of such notice, designate the width of the draw to be made in such bridge, and also the length of the spans necessary to permit the free flow of water.

Hearing before state engineer.

Sec. 5. The communication from the state engineer, fixing the draw and spans, shall be spread upon the minutes of the board, and any bridge constructed at that point shall be in conformity therewith; provided, however, that the state en-

gineer may, upon hearing before him, had upon application of any person or body interested, made within ten days after the receipt by said board of supervisors of said communication of said engineer, change his first plans, in which case the modified plans must be so spread upon the minutes, and shall stand in the place of the original; provided, however, that before such hearing is had, the said engineer must give ten days' notice by publication in some newspaper published in the county or counties from which the application came, of the time and place of the hearing.

Surveyor-general, when may act.

Sec. 6. In case of the absence or inability of the state engineer to act, the duties devolving upon him under this act shall be performed by the state surveyor-general.

Rates of toll, by whom fixed.

Sec. 7. When a bridge shall be built on a navigable stream, by one county, or two counties, it may be absolutely free, or tolls sufficient to pay in whole, or in part, for the construction, and to keep up the repairs and expenses thereof, may be charged; the rate to be fixed by the board of supervisors of the county in which the same is located, or, if located in two counties, then by the boards of supervisors of the two counties; or if there be any disagreement between said boards, as to imposing or removing tolls, or the rate, the matter in dispute shall be referred to the board of supervisors of some neighboring county for determination, and its decision, communicated in writing to the clerks of said boards respectively, shall be final; and if tolls are fixed or removed thereby, the same shall take effect on the tenth day from the date of such written determination.

Supervisors to declare necessity for building bridges.

Sec. 8. The board of supervisors, or other governing body of any city and county, or county, in this state, shall have power to declare that it is necessary for the public convenience to have a bridge or bridges built across any estuary, swamp, pond, or arm of a bay that may lie or extend into the county, or city and county, and prescribe the points between which said bridge or bridges shall

be built, and when they shall have specified the points between which it is, in their judgment, necessary to build the said bridge or bridges, they may let contracts to build the bridges, as aforesaid, and pay for the same out of the general fund of the city and county, or county.

Sec. 9. This act shall take effect immediately. [Approved March 14, 1881; Stats. 1881, 76.]

TITLE 26.

BUILDING AND LOAN ASSOCIATIONS.

Acts relating to: See Civil Code, Appendix, title, Building and Loan Associations, p. 727.

TITLE 27.

BUOYS AND BEACONS.

Acts relating to: See Penal Code, Appendix, title, Buoys and Beacons, p. 515.

TITLE 28.

BUTTE COUNTY.

For a reference to special acts relating to Butte county, see Deering's Annotated Penal Code, p. 486, et seq.

See also an act to amend the act to incorporate the town of Chico, Stats. 1887, p. 63.

TITLE 29.

BUTTER.

Acts relating to: See Penal Code, Appendix, title, Butter, p. 516.

Consult: Act to provide for the inspection of dairies, etc. Stats. 1899, ch. CXXXVI.

TITLE 30.

CALAVERAS COUNTY.

For a reference to special acts relating to Calaveras county, see Deering's Annotated Penal Code, pp. 438, 439.

TITLE 31.

CALIFORNIA STATUTES, INDEX TO.

An act authorizing the superintendent of state printing to have prepared and printed an index to all the laws of California, 1850-1893.

[Approved March 11, 1893; Stats. 1893, p. 150.]

This act provided for the compiling, printing and distribution of a complete index to the California statutes.

TITLE 32.

CALIFORNIA VOLUNTEERS.

An act to provide for the revision of the records of the California volunteers, to authorize the adjutant general to employ additional clerk or clerks for that purpose, and to authorize the superintendent of state printing to print, bind, and issue the same.

[Approved March 16, 1889; 1889, 228.]

TITLE 33.

CEMETERIES.

Acts relating to: See Civil Code, Appendix, title, Cemeteries, p. 736.

An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand.

1. The City Council of any city in this State having a population of more than fifteen hundred and not exceeding one hundred thousand, may, by ordinance duly passed, and under such lawful rules and regulations which it may adopt, provide for the exhuming, taking up, and removal from cemeteries within the boundary lines of such city, or from cemeteries owned and controlled by such city that may have been located without its boundaries (and in which such cemeteries no interments of human remains have been made for a period of not less than two years), of all the human remains interred in such cemeteries. [Approved March 23, 1893, Stats. 1893, p. 234. Amendment approved March 26, 1895; Stats. 1895, chap. cl.

An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

Disinterring of bodies unlawful without permit.

Section 1. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place, the body or remains of any deceased person, unless the person or persons so doing shall first obtain, from the board of health, health-officer, mayor, or other head of the municipal government of the city, town, or city and county where the same are deposited, a permit for said purpose. Nor shall such body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be removed or transported in or through the streets or highways of any city, town, or city and county, unless the person or persons removing or transporting such body or remains shall first obtain, from the board of health or health-officer (if such board or officer there be), and from the mayor or other head of the municipal government of the city or town, or city and county, a permit, in writing, so to remove or transport such body or remains in and through such streets and highways.

Permits granted upon what.

Sec. 2. Permits to disinter or exhume the bodies or remains of deceased persons, as in the last section, may be granted, provided the person applying therefor shall produce a certificate from the coroner, the physician who attended such deceased person, or other physician in good standing cognizant of the facts, which certificate shall state the cause of death or disease of which the person died, and also the age and sex of such deceased; provided further, that the body or remains of deceased shall be inclosed in a metallic case or coffin, sealed in such manner as to prevent, as far as practicable, any noxious or offensive odor or effluvia escaping therefrom, and that such case or coffin contains the body or remains of but one person, except where infant children of the same parent or parents, or parent and children, are contained in such case or coffin. And the permit shall contain the above conditions and the words: "Permit to remove and transport the body of ——— ———, age ———, sex ———," and the name, age, and sex shall be written therein. The officer of the municipal government of the city or town, or city and county, granting such permit, shall require to be paid for each permit the sum of ten dollars, to be kept as a separate fund by the treasurer, and which shall be used in defraying expenses of and in respect to such permits, and for the inspection of the metallic cases, coffins, and inclosing boxes herein required; and an account of such moneys shall be embraced in the accounts and statements of the treasurer having the custody thereof.

Misdemeanor.

Sec. 3. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed, from a grave, vault, or other receptacle or burial place, the body or remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor and be punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. Nor shall it be lawful to receive such body, bones, or remains on any vehicle, car, barge,

boat, ship, steamship, steamboat, or vessel for transportation in or from this state, unless the permit to transport the same is first received, and is retained in evidence by the owner, driver, agent, superintendent, or master of the vehicle, car, or vessel.

Transportation of bodies exhumed without permit—Misdemeanor.

Sec. 4. Any person or persons who shall move or transport, or cause to be moved or transported, on or through the streets or highways of any city or town, or city and county, of this state, the body or remains of a deceased person, which shall have been disinterred or exhumed without a permit, as described in section two of this act, shall be guilty of a misdemeanor, and be punishable as provided in section three of this act.

Reward for information.

Sec. 5. Any person who shall give information to secure the conviction of any person or persons for the violation of the provisions of this act shall be entitled to receive the sum of twenty-five dollars, to be paid from the fund collected from fines imposed and accruing under this act.

Removal of remains of deceased persons.

Sec. 6. Nothing in this act contained shall be taken to apply to the removal of the remains of deceased persons from one place of interment to another cemetery or place of interment within this state; provided, that no permit shall be issued for the disinterment or removal of any body, unless such body has been buried for one year or more, without the written consent of the mayor, chairman of the board of supervisors, or city council of any municipality of the state. [Amendment approved March 13, 1889; Stats. 1889, 139. In effect immediately.]

Sec. 7. This act shall take effect and be in force from the thirtieth day after its passage and approval. [Approved April 1, 1878; 1877-8, 1050.]

TITLE 34.

CENSUS.

An act to authorize any city, or city and county of this state to take its census.

[Stat. approved February 25, 1897; Stats. 1897, chap. XXX.]

Section 1. The council, or other legislative body of any city in this state, and the board of supervisors, or other legislative body of any city and county of this state, is hereby authorized, whenever said council, board of supervisors, or other legislative body, may deem it necessary, between the years of taking the federal census, to take the census of such city, or city and county, in the manner prescribed by section two of this act.

Sec. 2. Said council, board of supervisors, or other legislative body of any city, or city and county of this state electing to take a census, as in this act provided for, shall pass a resolution of intention declaring its intention to cause such census to be taken by one or more suitable persons appointed therefor by such council, board of supervisors, or other legislative body, at the expense of said city or cities desiring such census taken, and such census shall, by such persons so appointed, be taken of all the inhabitants of such city, or city and county, and in said census the full name of each person shall be plainly written and the names alphabetically arranged and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the clerk of such city, or city and county.

Sec. 3. A certified copy of such census shall be prepared by said clerk after being so filed, and shall be filed by him with the secretary of state for this state, and thereupon the same shall be known and be the official state census of said city, or city and county.

Sec. 4. This act shall take effect and be in force from and after its passage.

TITLE 35.

CENTRAL AMERICAN EXHIBITION.

An act for the appointment of a commissioner to represent the state of California at the Central American exhibition to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner, and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.

[Stat. approved February 9, 1897; Stats. 1897, chap. iii.]

The purpose of the act sufficiently appears from the title.

TITLE 36.

CHAMBERS OF COMMERCE.

Acts relating to: See Civil Code, Appendix, title, Chambers of Commerce, p. 737.

TITLE 37.

CHEESE.

An act defining the different grades of cheese and for branding the same, manufactured in the state of California.

[Stat. approved March 4, 1897; Stats. 1897, chap. lxxvi.]

Section 1. Every person or persons, firm or corporation, who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the state of California, shall, at the place of man-

ufacture, brand distinctly, and durably on the bandage of each and every cheese manufactured, and upon the package or box when shipped, the grade of cheese manufactured, as follows: "California Full-Cream Cheese," "California Half-Skim Cheese," and "California Skim Cheese."

Sec. 2. All brands for branding the different grades of cheese shall be procured from the state dairy bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section one of this act. The state dairy bureau shall keep a record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the state of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location, the party shall notify the bureau of such change.

Sec. 3. The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than thirty per cent of butter fat, shall be branded as "California Full-Cream Cheese"; and such cheese only as shall be made from pure milk, and having not less than fifteen per cent of butter fat, shall be branded "California Half-Skim Cheese"; and such cheese only as shall be made from pure skim-milk shall be branded "California Skim Cheese"; provided, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," "Swiss," or hand-made cheese, not made by the ordinary Cheddar process.

Sec. 4. No person or persons, firms or corporations, shall sell, or offer for sale, any cheese, manufactured in the state of California, not branded by an official brand and of the grade defined in section three of this act.

Sec. 5. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less

than twenty-five dollars ($25) nor more than fifty dollars ($50), or by imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense by a fine of not less than fifty dollars ($50) nor more than one hundred dollars ($100), or by imprisonment in the county jail not less than fifty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 7. This act shall take effect sixty days after its passage.

Act relating to deception in manufacture and sale of: See Penal Code, p. 516.

TITLE 38.

CHICO.

Special acts relating to: See ante, title, Butte county.

TITLE 39.

CHINESE.

A reference to the acts relating to Chinese is contained in Deering's Annotated Penal Code, pp. 439, 440. In addition consult the following act:

An act to prohibit the coming of Chinese persons into the state, whether subjects of the Chinese Empire or otherwise, and to provide for registration and certificates of residence, and determine the status of all Chinese persons now resident of this state, and fixing penalties and punishments for violation of this act, and providing for deportation of criminals.

[Approved March 28, 1891; Stats. 1891, p. 185.]

Section 1. From and after the passage of this act, it shall be unlawful for any Chinese person

or persons, whether subjects of the Chinese Empire or otherwise as well as those who are now within the limits of this state, and who may hereafter leave this state and attempt to return, as those who have never been here, or, having been here, have departed from this state (save and excepting only the following classes, that is to say: Such Chinese person or persons as may be duly accredited to the government of the United States as ministers plenipotentiary, or other diplomatic representatives, consuls-general, consular and commercial agents, including other officers of the Chinese or other governments traveling upon the business of that government, with their body and household servants), to come to or within, or to land at or remain in, any port or place within this state; and the coming of Chinese persons to this state, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted, from and after the passage of this act, be and the same is hereby absolutely prohibited.

Sec. 2. The master, purser, or agent of any vessel, who, on clearing from any foreign port and bound to any port of this state, shall knowingly ship as a sailor or marine, or enter upon his crew list, or count upon his "bill of health," or permit the same to be entered or counted, the name of, or bring into this state, any Chinese person, other than those excepted by the statutes of the United States, as such Chinese person or persons, duly accredited to the government of the United States as ministers plenipotentiary, or other representatives, consuls-general, consular and commercial agents, including other officers of the Chinese or other governments traveling upon business of that government, with their body and household servants, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese person so entered, counted, or brought into this state, and may also be imprisoned for a term of not exceeding one year; but the foregoing provisions shall not apply to the case of any master, purser, or agent whose vessel, being bound to a port not within this state, shall come within the jurisdiction of this state

by reason of being in distress, or in stress of weather, or touching at any port of this State on its voyage to any other State, or foreign port or place; provided, that no Chinese person brought on such vessel shall be permitted to land, except in case of absolute necessity, and must depart with the vessel on its leaving port; and if so permitted to land, such master, purser, or agent shall be liable as in this section provided.

Sec. 3. It is hereby made the duty of all agents of transportation, and ticket agents, in this State, for railroad, stage lines, steamship lines, and vessels of all descriptions, and masters and pursers of the same, when applied to by any Chinese person, or by any other person for the passage of a Chinese person, for a ticket as passenger from one station, town, city, port, or landing in this State, to another station, town, city, port, or landing in this State, or to any other State of the United States, and before selling such ticket, to demand of said person applying permission to see, and shall, before selling a ticket, examine the "certificate of residence" of the applicant, as described in this act, and insert the number of said certificate of residence on said ticket; and should such applicant or Chinese person fail to produce such certificate, then the said agent shall not sell a ticket to or permit said Chinese person to take passage, and said agent, master, or purser shall arrest, or cause to be arrested, the said Chinese person or applicant, and proceed to file a complaint with any justice of the peace or police judge, or court having jurisdiction of the same, as in other cases provided for in this act, or turn over such Chinese person or applicant to some peace officer, whose duty it is to enforce the provisions of this act. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every offense, and may be imprisoned for a term of not more than one year.

Sec. 4. It shall be the duty of all conductors or agents of transportation, who may be authorized to examine tickets and receive fare of Chinese persons upon any railroad, stage line, sail vessel,

or steamship plying between points, landings, ports, stations, towns, or cities of this State, or coming into this State from other States of the United States, or any foreign country, to demand at the same time to see and examine the "certificate of residence" described in this act; and should any such Chinese person refuse or fail to produce, on demand, said certificate, conforming in all particulars to the provisions of section (11) eleven of this act, it shall be the duty of said agent, or conductor, master, or purser, to arrest and confine such Chinese person until such time as he shall be able to deliver over such person to some peace officer, or file a complaint against said Chinese person in a court having jurisdiction, as provided for in this act; and should any such agent, ticket agent, conductor, master of vessel, or purser, refuse, or willfully or knowingly neglect to comply with the provisions of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, and may be imprisoned for a term of not more than one year.

Sec. 5. Any person who shall knowingly bring into or cause to be brought into this state, by land or otherwise, or who shall aid or abet the same, or aid or abet the landing in this State, from any vessel or otherwise, of any Chinese person not lawfully entitled to enter this State, shall be deemed guilty of a felony, and shall on conviction thereof be fined in a sum of not exceeding one thousand dollars, and imprisoned in the State's prison for a term not exceeding one year, and, if a Chinese person, shall be sentenced to deportation as in other cases.

Sec. 6. No Chinese person shall be permitted to enter this State, by land or water, without first producing the certificate in this act required of Chinese persons resident of this State; and any Chinese person found guilty of being unlawfully within this State shall be caused to be removed therefrom, by judgment of court, to China, unless the defendant shall prove that he is a citizen of some foreign country other than China, then to said country of which he is a citizen. The burden of establishing citizenship shall rest upon the defendant. In every case, when established that such Chinese person is not lawfully in this State,

then the judgment of the court shall be deportation to the country of his citizenship at the cost of said person so to be deported; and judgment and fine may be rendered therefor, and if collected, paid unto and credited to the Chinese fund, and if not paid or collected, then, in the first instance, to be paid by this State out of the Chinese fund after being brought before some Superior Court judge of this State, and declared by said judgment to be one not lawfully entitled to be or to remain in this State; provided, that after such judgment and finding of any court having jurisdiction, said court may transmit such findings and judgment to the Governor, who may forward a copy thereof to the Secretary of the Treasury of the United States, or other officer designated by him, and request that such Chinese person shall be removed from the limits of this State at the expense of the United States; and in all such cases the person who brought or aided in bringing such person to this State shall be liable to the government of this State for all necessary expenses incurred in such investigation and removal; and all peace officers of the several counties of this State, including all other persons authorized to make arrests, are hereby invested with the same authority as any sheriff or constable.

Sec. 7. Any Chinese person adjudged guilty of being unlawfully within the jurisdiction of this State, and on conviction thereof, shall be punished by being deported from this State to his or her own country, or by a fine of not less than five hundred dollars nor more than one thousand dollars, and deportation from this State to his or her own country, or by imprisonment in the State prison for a term not less than one nor more than five years, and on termination of said imprisonment shall be deported to China, or such country of which he is a citizen; all the expenses of deportation, upon approval of the State Board of Examiners, shall be drawn from the Chinese fund provided for in this act, and from no other source, when defrayed by the State.

Sec. 8. In all cases where the judgment of deportation, or fine and deportation, or imprisonment and deportation, shall be rendered by any court trying the same, it shall be the duty of

the court to cause to be made a copy of the findings and judgment in the case, attaching to the same a well-taken photograph of the defendant, and also stating such distinctive facial marks, or noticeable physical marks or features, as will at any future time assist in a ready detection and conviction on a second offense, and forward the same to the commissioner of the bureau of labor statistics of this State, for preservation and reference at any future time.

Sec. 9. Within ninety (90) days after the passage of this act, it shall be the duty of the commissioner of the bureau of labor statistics of this State to cause to be published in one daily or weekly newspaper, if any, of general circulation within each county of the State, for the period of one month, once each week, a notice to all Chinese persons within the State, and also post a like notice in a conspicuous place at such postoffices as he may deem proper, written in the Chinese language, directing and commanding all Chinese persons within this State to appear at the office of the commissioner of the bureau of labor statistics within ninety (90) days from the date of the last publication of such notices, and apply for the certificate of residence provided for in this act.

Sec. 10. It shall be the duty of every county clerk to record, in a book kept for that purpose, and with reasonable dispatch, all certificates of residence issued to Chinese persons who may reside in the county, and keep a full record of all such certificates, for future reference and identification, with the photograph of said Chinese person incorporated therein.

Sec. 11. The form of "certificate of residence" shall be printed on parchment of convenient size and durable quality, leaving a blank space in center of first page of sufficient size, on which shall be printed or pasted a well-taken photograph of applicant, including, when possible, all facial marks or other features calculated to aid in a ready identification. The printing surrounding the photograph shall be in clear type, and contain the name, date of birth, place of birth, and country and citizenship; date of departure from such country, date and year of arrival in the United States; at what port landing; age, sex, postoffice address,

number of street, town, city, farm, ranch, county, and State at which he may now reside; family name and tribe, complexion, color, height, weight, and occupation; by whom employed, and postoffice address of employer; if working on own account, at what employment, giving number of street, town, or city, name of farm, ranch, and occupation, and also any particular noticeable facial marks or bodily deformity as may be observed and believed to render ready aid in future identification; and any Chinese person who shall be found within the jurisdiction of this State, unprovided with a certificate of residence of the form above set forth, and bearing the official signature of the commissioner of the bureau of labor statistics of this State, after the expiration of one year from the date of the passage of this act, then and in such case he shall be deemed and adjudged as unlawfully within the limits of this State, and subject to punishment as provided for in this act.

Sec. 12. The county clerk shall cause to be affixed to the "certificate of residence" of every Chinese person presenting the same for record, his official signature and seal and the date of record.

Sec. 13. It shall be the duty of all Chinese persons within the limits of this State at the date of the passage of this act, within one year after the passage of this act to apply for a "certificate of residence" to the commissioner of the bureau of labor statistics, and on obtaining the same to present to and have recorded by the county clerk of the county of residence of such Chinese person his "certificate of residence," as hereinbefore provided; and any Chinese person within the limits of this State who shall fail or refuse to comply with the provisions of this act shall be adjudged by the court before whom he may be tried as being unlawfully within the limits of this State, and subject to the same fines and penalties as in other cases provided for in this act.

Sec. 14. Immediately after the passage of this act, the Secretary of State shall cause to be printed by the State Printer and sent to the clerks of the several counties throughout this State the necessary blank record books, containing blank certificates, provided for herein, in such form as prescribed by this act and the commissioner of the bureau of labor statistics.

Sec. 15. Each Chinese person who shall apply to the commissioner of the bureau of labor statistics for a certificate as required herein shall pay to the said commissioner of the bureau of labor statistics, to be paid into the State Treasury, and credited to the "Chinese fund," the sum of five dollars, which sum, together with cost of photographs and recording and fee of deputy issuing the certificate of residence, shall be the only compensation allowed for registering and issuing certificates to Chinese persons as herein provided; and provided, that the applicant shall pay for or furnish the photograph set forth in section (11) eleven of this act, satisfactory to the commissioner of the bureau of labor statistics.

Sec. 16. Immediately after the passage of this act, the Secretary of State shall cause to be printed by the State Printer, on parchment, and of the size adopted by the commissioner of the bureau of labor statistics, blank copies of the "certificate of residence" referred to in this act, in sufficient quantities to supply the requirements of the commissioner of the bureau of labor statistics in carrying out this act.

Sec. 17. The controller of this State shall open a set of books of account, known as the "Chinese fund account," in books to be provided by the Secretary of State, in which shall be entered all moneys received under this act, the date received, and name of persons paying the same, and for what purpose such money was received, upon itemized statements, rendered on the last day of each month by the commissioner of the bureau of labor statistics, on blank forms furnished by the State for such purpose, and thereupon the commissioner of the bureau of labor statistics shall pay such moneys into the State Treasury to the credit of said Chinese fund.

Sec. 18. The fees collected under the provisions of this act shall be known and set apart by the Treasurer of State as the "Chinese fund," and shall be held and drawn upon solely to defray the expenses incidental to the execution of this act.

Sec. 19. The Governor of this State is authorized and required, at the expiration of one year from the passage of this act, to offer a reward of twenty-five ($25) dollars to any person or persons, as in-

formants, who shall produce the necessary testimony for the conviction of any Chinese person of a violation of this act; provided, that the same shall be paid from the fund collected under the provisions of this act and known as the "Chinese fund," and from no other moneys belonging to the State; provided, that no such reward shall be allowed when such Chinese persons are deported for violation of other laws of this State or municipal ordinances.

Sec. 20. Whenever any peace officer of this State, or of any county or municipality of the same, shall have good reason to believe that any Chinese person has neglected to provide himself or herself with a certificate of residence provided for in this act, he shall demand of said person permission to see and examine said certificate; and, on failure or refusal of such said person to produce the same, he shall at once report the facts, on oath, to the nearest justice of the peace, or police judge, or judge of any superior court, who shall, if in his judgment good cause is shown, issue his warrant for the arrest of said Chinese person, and proceed to examine or try the defendant upon said charge.

Sec. 21. Whenever it shall appear to any court having jurisdiction of any case under this act, that, upon the testimony, the defendant has failed to provide himself or herself with the certificate as set forth in this act, for cause, or from reasonable circumstances over which he or she had no control, then and in such cases the judgment of the court shall be that such Chinese person shall pay all costs of such investigation, and at that time, without delay, proceed to register and procure a certificate as provided for in this act; and provided further, that should the defendant fail, on demand of the court, to comply with the judgment of the same, under the provisions of this act, then and in such cases the penalty shall be the same as provided for in other cases, and the award to the informant shall be the same as in other cases; provided, that when sufficient excuse is shown for not having registered, and such registration is made, no penalty shall be inflicted except the payment of costs.

Sec. 22. Any person whose race or nationality precludes him from being naturalized under the

laws of the United States, or under the laws of this State, found guilty of a violation of any law of this State, or of any ordinance of a municipality of this State, other than a capital offense, shall be deemed and adjudged as having forfeited all right and privilege to remain within the State, and it shall be the duty of the court trying the cause to pass sentence of deportation as in other cases provided for in this act, to be executed after he shall have satisfied the penalty of fine and imprisonment, or either, for violation of such law of this State, or ordinance of any municipality of the same; provided, that the court trying said cause may, in its discretion, pass such sentence of deportation in the first instance as the only penalty.

Sec. 23. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein registered, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the State penitentiary for a term of not more than five years.

Sec. 24. For the purpose of carrying out the provisions of this act, it is hereby provided,—

Subdivision 1. That the commissioner of the bureau of labor statistics shall have for his services to be rendered in carrying out this act the sum of two thousand ($2,000) dollars per annum, payable out of the Chinese fund in this act created and provided for.

Subdivision 2. The commissioner of the bureau of labor statistics may, with the concurrence and consent of the Governor, appoint such deputies as may be deemed by them necessary to carry out the provisions of this act, and that such deputies shall receive such compensation as may be fixed by the State Board of Examiners, not to exceed the sum of one dollar for each certificate issued, in full compensation for their services as such deputies, to be charged to the Chinese fund hereinbefore specified.

Subdivision 3. All claims arising out of and inci-

dent in carrying out the provisions of this act shall be presented the same as other claims against the State, and audited and passed on by the State Board of Examiners, and paid on warrants drawn by the controller upon the Chinese fund.

Sec. 25. This act shall take effect from and after its passage.

TITLE 40.

CITY AND COUNTY ATTORNEYS.

Acts relating to, see Political Code, Appendix, title City and County Attorneys, p. 958.

TITLE 41.

CIVIL RIGHTS.

An Act to protect all citizens in their civil and legal rights.

[Stat. approved March 13, 1897; Stats. 1897, chap. cviii.]

Section 1. That all citizens within the jurisdiction of this State shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating-houses, barber-shops, bath-houses, theaters, skating-rinks, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

Sec. 2. Whoever shall violate any of the provisions of the foregoing section, by denying to any citizen, except for reasons applicable alike to every race or color, and regardless of race or color, the full accommodations, advantages, facilities, and privileges in said section enumerated, or by aiding or inciting such denial, or whoever shall make any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of

any citizen to, or his treatment in, any inn, restaurant, hotel, eating-house, barber-shop, bath-house, theater, skating-rink, or other public place of amusement or accommodation, whether such place be licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, shall, for each and every such offense, shall be liable in damages in an amount not less than fifty dollars, which may be recovered in an action at law brought for that purpose.

Sec. 3. All laws or parts of laws in conflict with this law are hereby repealed.

TITLE 42.

CODES.

The legislation concerning the preparation, taking effect of, publication of, and applying of the Codes and statutes in force can be found in Deering's Annotated Penal Code, p. 442, et seq.

An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor.

[Approved March 28, 1895; Stats. 1895, chap. ccxxii. In effect immediately.]

The commission.

Section 1. A non-partisan commission, consisting of three persons as hereinafter designated, is hereby created and established, for the purposes of revising, compiling, correcting, amending, systematizing, improving, and reforming the laws of this state, for the advancement and welfare of the people thereof.

Qualifications of members.

Sec. 2. The members of said commission shall be known and designated as "The Commissioners for the Revision and Reform of the Law," and the term of office shall be two (2) years from and after the first day of April, eighteen hundred and ninety-five. They shall not belong to the same political party, but shall be members of the legal profession who have for more than five years prior to their appointment been engaged in the practice of law in this state, and admitted to practice before the supreme court. Each shall be appointed from and represent a separate portion of the state.

Manner of appointment.

Sec. 3. Said commissioners shall be appointed by the governor within ten days from the passage of this act. In case of a vacancy or vacancies in said commission by death, resignation, removal, or otherwise, a successor or successors to fill such vacancy or vacancies for the unexpired term shall be appointed in like manner.

Notice of appointment.

Sec. 4. The secretary of state shall, after the passage of this act and the appointment of such commissioners, immediately notify each appointee thereof, and issue to each appointee a commission, under the great seal of this state, notifying him of the passage of said act and of his appointment by the governor. Each appointee shall immediately upon receiving said notice of his appointment, if he accepts the same, take and subscribe an oath of office, which shall be filed in the office of the secretary of state.

Organization of commission.

Sec. 5. The commission shall hold its sessions in a room to be provided by the secretary of state, in the state capitol, and shall enter upon the discharge of its duties immediately after its organization. Said commissioners shall select and adopt a suitable seal for the authentication of their acts, records, and proceedings, and adopt and provide for the publication of such reasonable and proper rules and regulations for the conduct of the business of said board, and for the promotion of the objects intended to be advanced by this act. They shall, thereupon, select and appoint a secretary

and stenographer, to hold office during the pleasure of said board, who shall attend all the sittings of said board, and act under its supervision.

Powers and duties.

Sec. 6. 1. It shall be the duty of said commissioners to revise and examine the Political Code, the Civil Code, the Code of Civil Procedure, and the Penal Code of the state of California.

2. To revise and examine all the statutes of this state that have been or shall hereafter be passed by the legislature thereof and published by the state.

3. They shall ascertain, determine, and designate, according to their best judgment, those statutes now in force, and those expressly or by implication repealed.

4. They shall note and designate the errors, defects, or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct, or amend the same, and such improvements as shall introduce precision and clearness into the wording of the codes and statutes.

5. All or any of the reports, records, or proceedings of said commission shall be printed by the state printer, on the requisition of said board, when so ordered and directed by said board.

6. Said board shall have power to order the state printer to print and deliver to the secretary of said board such number as said board may designate of any report, record, or proceedings of said board.

7. Said commissioners, or either of them, upon the request of the legislature, or a duly appointed committee thereof, shall attend at the capitol during the sitting of said session of the legislature, and act as legislative counsel or adviser, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the legislature; and also, when requested, give advice to said legislature, or such committee, as to the form of any proposed legislation, and its effect upon existing laws, and as to whether said bill, as drawn and presented, is so constructed and worded as to carry out the purpose intended.

8. Thirty days prior to every session of the legislature, said board shall make and file with the

secretary of state a report of their transactions relating to legislative matters, or which would give any information or knowledge to said legislature as to legislation in the past, and as to the policy for future legislation. And they shall also report to said legislature such suggestions as they deem proper for the promotion of the public welfare and the best interests of the state, or any locality or citizens thereof, and file therewith schedules or exhibits, showing the form or substance of all proposed legislation which they recommend. And they shall suggest all such improvements as shall conduce to precision and clearness in the wording of the codes and statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of this state. Said reports, schedules, and exhibits shall be printed by the state printer, upon the requisition and under the supervision of the commissioners. They shall be so printed as to show, in the readiest manner, the changes proposed by the commission, and in those cases wherein it shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for comparison.

9. Said board shall at all such times as they may designate by rules and regulations which they may adopt, sit in open session and hear such printed or oral arguments as may be addressed to them, for or against any proposed or existing legislation. All such sessions of the board shall be open to the public, and a record of all proceedings shall be kept and preserved by the secretary of said board.

Compensation.

Sec. 7. 1. Said commissioners shall receive for their services, from the state, the sum of four thousand dollars each per annum; such compensation shall be paid in the same manner as the salaries of the justices of the supreme court are now paid.

2. The secretary of the commission shall receive the sum of two hundred dollars ($200) per month, and the stenographer one hundred dollars ($100) per month, payable in like manner as the salaries are paid to the members of said commission.

3. The expenses incurred by said commission, or the members thereof, exclusive of salaries, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be made by said board of commissioners upon the state controller, accompanied by the sworn certificates of all the commissioners that the services have been performed and the materials used or things furnished, and that said sums are justly due.

4. And said state controller is hereby directed to draw his warrant on the treasurer for the payment of said salaries, when due and payable, as herein provided. And also for such sums as are covered by said requisitions, and the treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

Sec. 8. This act shall take effect and be in force from and after the date of its passage.

TITLE 43.

COLLEGES.

See Education.

Acts relating to: See University of California.

The Civil Code provides for the incorporation of colleges and seminaries of learning (secs. 649-651). As there may, however, be some doubt as to how far the old laws are affected, it is deemed proper to refer to the legislation, and at the same time call attention to provisions to be found in sections 330 and 4478 of the Political Code, and 20 and 286 of the Civil Code.

The old laws on the subject of colleges will be found collated in "General Laws," sec. 573, and "Supplement," secs. 7455, 7759.

See also:

An act supplementary to an act entitled "An act to provide for the incorporation of colleges, approved April 20, 1850," approved January 8, 1872; 1871-2, 10.

An act to amend the last-named act, approved February 7, 1874; 1873-4, 85.

There is also an act entitled "An act to confer further powers and privileges on the trustees of the Los Nitos collegiate institute," approved March 11, 1874; 1873-4, 341. This is unquestionably in force; but being special in its character, it is omitted.

An act expressing assent of the state of California to the act of congress, approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress, approved July second, eighteen hundred and sixty-two," and to the purposes of the grants of moneys authorized thereby, and to all the provisions thereof.

[Approved March 31, 1891; Statutes 1891, p. 458.]

The object of the act sufficiently appears from the title.

TITLE 44.

COLUMBIAN EXPOSITION.

See post, World's Exhibitions.

TITLE 45.

COLUSA COUNTY.

For a reference to local acts relating to Colusa county, see Deering's Annotated Penal Code, pp. 449, 450.

TITLE 46.

CONGRESSIONAL DISTRICTS.

An act to divide the State of California into congressional districts.

[Approved March 11, 1891; Statutes 1891, p. 84.]

Consult statutes of 1891 for the act.

TITLE 47.

CONSTABLES.

Acts relating to: See Political Code, Appendix, title, Constables, p. 958.

TITLE 48.

CONSTITUTION.

An act to provide for a convention to frame a new constitution for the state of California.

[Approved March 30, 1878; 1877-8, 759.]

The purpose of the act appears from the title.

TITLE 49.

CONTAGIOUS DISEASES AMONG SHEEP.

An act authorizing and empowering the boards of supervisors of the several counties of the state to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a sheep commissioner, and to define the duties and powers of commissioner.

[Approved March 16, 1889; 1889, 216.]

Appointment of sheep commissioner.

Section 1. Whenever a petition shall be filed

formants, who shall produce the necessary testimony for the conviction of any Chinese person of a violation of this act; provided, that the same shall be paid from the fund collected under the provisions of this act and known as the "Chinese fund," and from no other moneys belonging to the State; provided, that no such reward shall be allowed when such Chinese persons are deported for violation of other laws of this State or municipal ordinances.

Sec. 20. Whenever any peace officer of this State, or of any county or municipality of the same, shall have good reason to believe that any Chinese person has neglected to provide himself or herself with a certificate of residence provided for in this act, he shall demand of said person permission to see and examine said certificate; and, on failure or refusal of such said person to produce the same, he shall at once report the facts, on oath, to the nearest justice of the peace, or police judge, or judge of any superior court, who shall, if in his judgment good cause is shown, issue his warrant for the arrest of said Chinese person, and proceed to examine or try the defendant upon said charge.

Sec. 21. Whenever it shall appear to any court having jurisdiction of any case under this act, that, upon the testimony, the defendant has failed to provide himself or herself with the certificate as set forth in this act, for cause, or from reasonable circumstances over which he or she had no control, then and in such cases the judgment of the court shall be that such Chinese person shall pay all costs of such investigation, and at that time, without delay, proceed to register and procure a certificate as provided for in this act; and provided further, that should the defendant fail, on demand of the court, to comply with the judgment of the same, under the provisions of this act, then and in such cases the penalty shall be the same as provided for in other cases, and the award to the informant shall be the same as in other cases; provided, that when sufficient excuse is shown for not having registered, and such registration is made no penalty shall be inflicted except the payment of costs.

Sec. 22. Any person whose race or nationality precludes him from being naturalized under the

laws of the United States, or under the laws of this State, found guilty of a violation of any law of this State, or of any ordinance of a municipality of this State, other than a capital offense, shall be deemed and adjudged as having forfeited all right and privilege to remain within the State, and it shall be the duty of the court trying the cause to pass sentence of deportation as in other cases provided for in this act, to be executed after he shall have satisfied the penalty of fine and imprisonment, or either, for violation of such law of this State, or ordinance of any municipality of the same; provided, that the court trying said cause may, in its discretion, pass such sentence of deportation in the first instance as the only penalty.

Sec. 23. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein registered, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the State penitentiary for a term of not more than five years.

Sec. 24. For the purpose of carrying out the provisions of this act, it is hereby provided,—

Subdivision 1. That the commissioner of the bureau of labor statistics shall have for his services to be rendered in carrying out this act the sum of two thousand ($2,000) dollars per annum, payable out of the Chinese fund in this act created and provided for.

Subdivision 2. The commissioner of the bureau of labor statistics may, with the concurrence and consent of the Governor, appoint such deputies as may be deemed by them necessary to carry out the provisions of this act, and that such deputies shall receive such compensation as may be fixed by the State Board of Examiners, not to exceed the sum of one dollar for each certificate issued, in full compensation for their services as such deputies, to be charged to the Chinese fund hereinbefore specified.

Subdivision 3. All claims arising out of and inci-

contract shall be made for a longer period than one year, and every such contract shall go into effect within six months after the bid is approved. Any check or bond accompanying any unaccepted bid shall be returned to the party furnishing the same, when his bid is rejected; any check or bond accompanying any accepted bid shall be retained by the clerk till the successful bidder shall have entered into a contract as herein provided, and then be returned to said bidder; but if such bidder shall refuse to enter into such contract, his check or bond shall be declared forfeited to such city or town, and shall be collected and paid into the general fund thereof.

Sec. 4. This act shall take effect and be in force from and after its passage. [Stat. approved March 26, 1895; Statutes, 1895, p. 191.]

TITLE 52.

CONTROLLERS.

Acts relating to: See Political Code, Appendix, title, Controllers, p. 958.

See, also, act authorizing additional clerk for, approved March 20, 1895, Stats. 1895, p. 67.

TITLE 53.

CONVICTS.

Acts relating to: See Penal Code, Appendix, title, Convicts, p. 524.

TITLE 54.

CO-OPERATIVE ASSOCIATIONS.

Acts relating to: See Civil Code, Appendix, title, Co-operative Associations, p. 742 et seq.

TITLE 55.

CORONERS.

Acts relating to: See Penal Code, Appendix, title, Coroners, p. 525.

TITLE 56.

CORPORATIONS.

Acts relating to: See Civil Code, Appendix, title, Corporations, p. 750 et seq.; Penal Code, Appendix, title, Corporations, p. 541.

The law in reference to the formation, powers, privileges, obligations, and incidents of corporations will be found in the Civil Code, secs. 283-648, inclusive, which seems to have superseded all the old laws upon the same subject. By operation, however, of section 288, the old laws remain in force in so far as applicable to certain corporations formed previous to January 1, 1873, therein referred to. They are, therefore, now to be considered only as special in their character. They will be found collected and collated in "General Laws," sec. 746, and "Supplement," sec. 7611.

In addition to the statutes collected and collated as above mentioned, the following later enactments, in addition to those inserted in the Civil Code, may be referred to:

An act to amend an act entitled "An act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April 11, 1862," approved February 21, 1872; 1871-2, 132.

An act to amend an act entitled "An act concerning street railroads, approved March 29, 1870," approved March 23, 1872; 1871-2, 515.

An act to amend an act entitled "An act to provide for the formation of corporations for certain

purposes, approved April 14, 1853," approved March 23, 1872; 1871-2, 526. This act was in reference to manufacturing, mining, and other business corporations, and provides for the filing of certified certificates in the counties in which they were to carry on business.

An act concerning assessments upon the stock of corporations (relating to collection of assessments of the "Southern District Agricultural Association"), approved March 27, 1872; 1871-2, 626.

An act supplemental to an act entitled "An act to authorize the incorporation of canal companies, and to provide for the construction of canals and ditches, approved April 2, 1870," approved March 30, 1872; 1871-2, 732. This act applies only to Tehama county.

An act to authorize the Mutual Life Insurance Company of New York and the Equitable Life Assurance Company of the United States to invest moneys in real and personal estate within the limits of California, approved March 28, 1874; 1873-4, 777.

TITLE 57.

COSTS.

Acts relating to: See Code of Civil Procedure, Appendix, title, Costs, p. 790; Penal Code, Appendix, title, Costs, p. 542.

TITLE 58.

COUNTIES.

An act to provide for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

Section 1. Whenever a new county has been formed within the state, it shall be the duty of the treasurer of the county or counties out of whose

territory said new county shall have been formed to immediately cause to be transferred to the county treasurer of the new county thus formed all moneys standing to the credit of or belonging to any road or school district, the territory comprising which has been segregated from such old county, and which is included in the boundaries of such new county.

Sec. 2. Whenever, in the formation of a new county, a road or school district has been divided, the board of supervisors shall, by order, direct the treasurer to transfer a proportionate amount of the moneys remaining in the fund of such district to the treasurer of the new county.

Sec. 3. This act shall be held to apply expressly to counties heretofore divided and new counties created from the territory of the same, when no provision was made in the act creating such county for the transfer of the moneys herein provided to be made.

Sec. 4. A compliance with the provisions of this act shall be a full and complete settlement of all demands which the new county had against the old county or counties.

Sec. 5. This act shall take effect immediately.

[Approved March 23, 1893; Stats. 1893, p. 235.]

Particular counties: See Particular Title.

TITLE 59.

COUNTY BOUNDARIES.

Consult the following acts:

An act to change and permanently locate the boundary line between the counties of Butte and Yuba.

[Stat. approved February 25, 1897; Stats. 1897, chap. xxvi.]

An act to more clearly define the boundary line between the counties of Lake and Yolo, in the state of California.

[Approved April 1, 1872; Statutes 1871-2, p. 903.]

An act to better define the boundary line of Mariposa and Fresno counties.

[Approved April 1, 1872; Statutes 1871-2, p. 891. Amended February 11, 1874; Statutes 1873-4, p. 100.]

An act providing for the survey of the line forming a portion of the southern boundary of Siskiyou county and the northern boundary of Lassen county.

[Approved April 1, 1873; Stats. 1871-2, p. 886.]

An act to define the northern boundary line of Napa county, adjoining Lake and Yolo counties.

[Approved March 8, 1872; Stats. 1871-2, p. 305.]

An act to change and permanently locate the boundary lines between the counties of San Luis Obispo and Kern.

[Approved March 14, 1885; Stats. 1885, p. 139.]

An act to change and permanently locate the boundary lines between the counties of Glenn and Colusa.

[Approved March 11, 1893; Stats. 1893, p. 158.]

"An act to establish the county line between the counties of Fresno and Tulare." [Stats. 1875-6, p. 397. Approved March 23, 1876.]

An act to change and permanently locate the boundary line between the counties of Shasta and Lassen. Stats. 1899, ch. 82.

TITLE 60.

COUNTY CLERKS.

Acts relating to: See Political Code, Appendix, title, County Clerks, p. 958.

TITLE 61.

COUNTY GOVERNMENT.

§ 1. Counties are bodies politic.
§ 2. Powers exercised by agents.
§ 3. Names of.
§§ 4-5. Powers.
§ 6. Contracts and acts in violation of act.
§ 7. Officers violating provisions of act.
§ 8. Money paid without authority, recovery of.
§ 9. Instructions to grand jury.
§ 10. Population of counties.
§ 11. County seats.
§ 12. Removal of county seats.
§ 13. Ordinance, submission of.
§§ 14-19. Supervisors.
§ 20. Clerk of board.
§ 21. Records of board.
§§ 22-24. Meetings of board.
§§ 25-50. General powers.
§ 51. Eligibility of officers.
§ 52. County officers.
§ 53. Township officers.
§ 57. Notice, publication of.
§ 58. Election of officers.
§ 59. Deputies.
§ 60. Officer includes deputy.
§ 61. Residence and office hours.
§ 62. Liability of sureties.
§ 63. Oaths, who may administer.
§ 64. Absence of officer from state.
§ 65. What officers not to practice law.
§ 66. What officers not to act as notaries.
§ 66. Bonds of officers.
§§ 67-87. Treasurers.
§ 88. Process and notice, definitions of.
§§ 89-106. Sheriffs.
§§ 107. 108. County Clerks.
§§ 109-118. Auditors.
§§ 119-121. Recorders.
§§ 122-124. District Attorney.
§§ 125-141. Surveyor.
§§ 142-147. Coroners.
§ 148. Assessor.
§ 149. Tax Collector.
§ 150. School Superintendent.
§§ 151, 152. Public Administrator.
§§ 153, 154. Constables.
§ 155. Justices of the Peace.
§§ 156, 220. Salaries.

§ 157. Classification.
§§ 158-215. Compensation of officers.
§§ 216-225, 227. Fees.
§ 226. Services performed by successor.
§ 228. County Charges.
§§ 229, 230. Costs on removal of officers.
§ 231. New counties, organization of—reduction of population.
§ 232. Repeal of inconsistent acts.
§ 233. Salaries of incumbents.
§ 234. In effect, when.

An act to establish a uniform system of county and township governments.

[Stat. approved April 1, 1897; Stats. 1897, ch. cclxxvii.]

Section 1. The several counties of this state, as they now exist, and such other counties as may be hereafter organized, according to law, are bodies corporate and politic, and as such have the powers specified in this act, and such other powers as are necessarily implied.

Sec. 2. Their powers can only be exercised by the board of supervisors, or by agents and officers acting under their authority, or authority of law.

Sec. 3. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

Sec. 4. It has power:

1. To sue and be sued.

2. To purchase and hold land within its limits.

3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.

4. To manage and dispose of its property as the interests of its inhabitants may require.

5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

Sec. 5. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void.

Sec. 6. All contracts, authorizations, allowances, payments, and liabilities to pay, made or

attempted to be made in violation of this act, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county. And all officers of said county are charged with notice of the condition of the treasury of such county, and the extent of the claims against the same.

Sec. 7. Any officer authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this act, or of the constitution of this state, shall be liable in person, and upon his official bond, to the person or persons damaged by such illegal authorization, to the extent of his or their loss by reason of the non-payment of his or their claims.

Sec. 8. Whenever any board of supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized by the board of supervisors, or by the law, and the same shall have been paid, the district attorney of such county is hereby empowered, and it is hereby made his imperative duty, to institute suit, in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the board of supervisors therefor shall be necessary to maintain such suit. When the money has not been paid on such order or warrants, it is hereby made the imperative duty of the district attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, to restrain the payment of the same; and no order of the board of supervisors shall be necessary in order to maintain such suit.

Sec. 9. It shall be the duty of the judge of the superior court of each and every county, whenever a grand jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to

note the result of such investigation in their report.

Sec. 10. The population of the several counties of this state is hereby ascertained and determined to be and is as follows: County of San Francisco, two hundred and ninety-eight thousand two hundred and fifteen; county of Los Angeles, one hundred and twenty-four thousand eight hundred and seventy-five; county of Alameda, one hundred thousand four hundred and fifteen; county of Santa Clara, fifty-eight thousand two hundred and ninety; county of Sacramento, forty-seven thousand eight hundred and twenty; county of Sonoma, thirty-seven thousand three hundred and forty-five; county of San Joaquin, thirty-six thousand six hundred and seventy; county of San Diego, thirty-five thousand six hundred and twenty; county of Fresno, thirty-five thousand and eighty; county of San Bernardino, twenty-seven thousand five hundred; county of Humboldt, twenty-seven thousand two hundred and fifty-five; county of Solano, twenty-six thousand one hundred and thirty; county of Tulare, twenty-four thousand one hundred and fifty; county of Butte, twenty-two thousand seven hundred and seventy; county of Santa Cruz, twenty-two thousand and fifty-five; county of Nevada, twenty-one thousand nine hundred and five county of Mendocino, twenty-one thousand and ninety-five; county of Monterey, twenty thousand six hundred; county of San Luis Obispo, twenty thousand one hundred and forty; county of Placer, eighteen thousand nine hundred and eighty-five; county of Riverside, eighteen thousand four hundred; county of Santa Barbara, eighteen thousand three hundred and ten; county of Napa, eighteen thousand two hundred and twenty; county of Yolo, seventeen thousand three hundred and seventy-five; county of Kern, seventeen thousand three hundred and thirty; county of Contra Costa, seventeen thousand two hundred; county of Orange, sixteen thousand five hundred and forty; county of Siskiyou, sixteen thousand one hundred and ninety; county of Shasta, sixteen thousand one hundred and forty-five; county of Ventura, fourteen thousand four hundred and ten; county

of Calaveras, fourteen thousand one hundred and seventy-five; county of Amador, thirteen thousand two hundred and fifty; county of El Dorado, thirteen thousand and forty; county of Stanislaus, twelve thousand seven hundred and forty-five; county of San Mateo, twelve thousand four hundred and fifty; county of Tehama, eleven thousand six hundred and seventy-five; county of Yuba, eleven thousand six hundred and thirty-five; county of Marin, eleven thousand three hundred and sixty; county of Colusa, ten thousand five hundred and ten; county of Tuolumne, ten thousand two hundred and thirty-five; county of Merced, nine thousand eight hundred and fifteen; county of San Benito, nine thousand and ninety; county of Kings, eight thousand nine hundred and thirty-five; county of Sutter, eight thousand five hundred and sixty-five; county of Madera, seven thousand nine hundred and seventy-five; county of Lake, seven thousand six hundred; county of Glenn, seven thousand four hundred and forty-five; county of Sierra, six thousand five hundred and forty; county of Plumas, five thousand nine hundred and seventy; county of Mariposa, five thousand seven hundred and twenty; county of Modoc, five thousand five hundred and sixty-five; county of Lassen, five thousand three hundred and thirty; county of Trinity, four thousand nine hundred and ninety; county of Inyo, four thousand three hundred and sixty; county of Del Norte, three thousand four hundred and sixty-five; county of Mono, two thousand seven hundred and seventy-five; county of Alpine, four hundred and ninety.

Sec. 11. The county seats of the respective counties of this State, as now fixed by law, are hereby recognized as and declared to be the county seats of the respective counties. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal.

Sec. 12. Whenever there shall be presented to the board of supervisors of any county a petition, signed by the qualified electors of such county, in number equal to a majority of the votes cast at

the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the board of supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conduct of general elections and canvassing the returns thereof.

Sec. 13. Whenever there shall be presented to the board of supervisors, a petition, or petitions, signed by legal voters of said county equal in number to fifty per cent of the votes cast at the last preceding general election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the qualified voters of such county, it shall be the duty of the board of supervisors, by proclamation, to submit such proposed ordinance to the vote of the qualified electors of such county. Such election shall be held within thirty days after the first regular meeting of the board after the filing of such petition; provided, that should said petition be filed within six months prior to a general election, no special election need be held, but such ordinance shall be submitted at the next general election. The ballots used at such special or general election shall contain the words "For the ordinance" (stating the nature of the ordinance), and "Against the ordinance," stating the nature of the ordinance. The election shall be conducted and the returns canvassed in all respects as provided by law, for the conducting of general elections and the canvassing the returns thereof; provided, that when a special election is held under the provisions of this section, the board of supervisors, in their discretion, may consolidate precincts, and may reduce the number of election officers to a number not less than four. If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of supervisors shall proclaim such fact, and upon the publication of such proclamation, such ordinance thus adopted shall have the same and equal force and effect as though adopted and ordained by the board of supervisors. The board of supervisors may also, at

any election, submit any question or proposition upon which they may desire the opinion of the voters of the county.

BOARD OF SUPERVISORS.

Sec. 14. Each county must have a board of supervisors, consisting of five members.

Sec. 15. Each member of the board of supervisors must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by such district, and not at large, provided, that in any county or city and county in which supervisoral districts have not been established by law or ordinance, and in which supervisors are now required to be elected at large, but from particular wards, the members of the board of supervisors shall be elected at large and without regard to residence.

Sec. 16. The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the supervisor districts of a county. Said districts shall be as nearly equal in population as may be. The boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any supervisor who has been elected, and whose term of office has not expired. No change in the boundaries of any supervisor district shall be made within ninety days next preceding a general election.

Sec. 17. Whenever a vacancy occurs in the board of supervisors of a county, the governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case the election of a supervisor shall be held at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

Sec. 18. The supervisors shall elect a chairman, who shall preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as chair-

man temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all the members concur therein.

Sec. 19. The county clerk is ex officio clerk of the board of supervisors. The records and minutes of the board must be signed by the chairman and the clerk.

CLERK OF THE BOARD.

Sec. 20. The clerk of the board must:

1. Record all the proceedings of the board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.
3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.
4. Immediately after the adjournment of each meeting of the board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands, or orders, shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave the same with the auditor.
5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.
6. Preserve and file a memorandum of all accounts acted upon by the board.
7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.
8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.
9. Authenticate with his signature and the seal of the board, all ordinances passed by the board, and to record the same at length in the "Ordinance Book."

10. Record all orders levying taxes; and,

11. Perform all other duties required by law, or any rule or order of the board.

Sec. 21. The board must cause to be kept:

1. A "Minute Book," in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "Road," "Franchise," or "Ordinance" books.

2. An "Allowance Book," in which must be recorded all orders for the allowance of money, from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "Franchise Book," containing all franchises granted by them, and all proceedings had in relation thereto.

5. A "Warrant Book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number, and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

6. An "Ordinance Book," in which must be entered all ordinances duly passed by the board.

Sec. 22. The board of supervisors must, by ordinance, provide for the holding of regular meetings of the board at the county seat.

Sec. 23. A special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes. Five days' notice of such meeting must be given by the clerk, personally or by mail, to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other shall be transacted.

Sec. 24. All meetings of the board must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection.

GENERAL PERMANENT POWERS OF BOARDS.

Sec. 25. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; provided, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted.

All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; provided, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; provided further, that the surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; provided, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; provided further, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

5. To construct or lease, officer and maintain, hospitals and poorhouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and poorhouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and poorhouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

6. To provide a farm, in connection with the

county hospital, or poorhouse, and make regulations for working the same.

7. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

8. To cause to be erected or rebuilt, or furnished, a courthouse, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

9. To sell at public auction, at the courthouse door, or at such other place within the county, as the board may, by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county not required for public use,

paying the proceeds into the county treasury for the use of the county; provided, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale without advertising by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, correction, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; provided, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

12½. Whenever there shall be presented to the board of supervisors of any county a petition signed by the qualified electors of any township or townships in number equal to a majority of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors shall order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors, and such census shall be taken by such persons so appointed of all the inhabitants of such township or townships; the full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series, and when completed shall be

verified before any officer authorized to administer oaths, and be filed with the county clerk of the county wherein such census is taken, and thereupon the same shall be known and shall be the official census of said township or townships. The expenses of taking such census shall be a county charge.

13. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purposes for which the board of supervisors are herein authorized to expend the funds of said county. Such indebtedness shall be refunded or incurred in the following manner, to-wit: The board of supervisors thereof shall by order specify the purpose for which the indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import. None but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election law of the State. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the name of election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint elec-

tion officers to take the place of such elect
cers so absent. If two-thirds of the elec
the county voting at such election shall
favor of issuing such bonds, the board m
ceed to issue the amount of bonds specifi
vided, that the total amount of bonded i
ness shall at no time exceed five per cen
taxable property of the county, as shown
last equalized assessment book thereof. T
itation shall not apply to bonds which ma
sued to refund an indebtedness existing
first, eighteen hundred and eighty. The b
supervisors, by an order entered upon its r
shall prescribe the form of said bonds, and
interest coupons attached thereto, and fix t
when the whole or any part of the prin
said bonds shall be payable, which shall
more than forty years from the date there
said board may also, at their option, by a pr
in such bonds, make such principal payabl
before a specified date at the pleasure
county. Said bonds may be issued in de
tions not to exceed one thousand dollars
less than one hundred dollars; principal an
est payable in gold coin of the United State
er at the treasury of said county, or at suc
as such board may designate, or both
treasury or such designated place, at the
of the bondholder. Interest on said bond
not exceed six per cent per annum, paya
nually or semi-annually, as said board may
mate. Said bonds shall be signed by the
man of the board of supervisors, and attes
the auditor of said county, and have the
the board of supervisors attached, and sa
pons shall be signed by said auditor by orig
Lithographied fac simile signature; and said
shall be sold in the manner prescribed b
Board of supervisors, but for not less tha
The board of supervisors, before or at the
incurring the indebtedness of any bonds issu
der the provisions of this act, and annually
after until all of said bonds are paid and
d, must levy a tax for that year upon the
le property of said county for the intere
redemption of said bonds, and such tax mu
be less than sufficient to pay the interest o

bonds for that year, and such portion of the principal, if any, as is to become due during such year, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the board of supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision, and to provide for the payment of the interest on said bonds as it becomes due, and also sufficient to constitute a sinking fund to pay the principal of such indebtedness at or before maturity. Such tax when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as herein provided.

In issuing bonds under this act, the board of supervisors may, at its option, use the following form of bond and coupon:

United States of America,
No. ——. County of ———, $——.
State of California.

The county of ——, State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the first day of ———, one thousand —— (herein insert, if the board of supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date, at the pleasure of the county"), with interest thereon, in like gold coin, at the rate of —— per centum per annum payable at —— semi-annu-

ally (or annually) on the first day of ——— and ——— (or on the first day of ———, if interest payable annually) on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of ———, State of California, in strict compliance with an act of the legislature entitled "An act to establish a uniform system of county and township governments," approved the ——— day of ———, 189—, and in pursuance of an order of said board duly made on the ——— day of ———, 18—, and with the assent of two-thirds of the qualified electors of said county, voting at an election legally called and duly held for that purpose on the ——— day of ———, 18—.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors hereto attached this ——— day of ———, one thousand ———. ——— ———.

Chairman Board of Supervisors.

Attest: ——— ———,
County Auditor.

And the interest coupon may be in the following form:

"The county of ———, State of California, hereby promises to pay the holder hereof, on the ——— day of ———, one thousand ———, at ———, in ——— $——— United States gold coin, for interest on its county bond No. ———.

——— ———,
"County Auditor."

If the board of supervisors of any county which has issued bonds under the provisions of this act shal fail to make the levy necessary to pay such

bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

15. To equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to

hold office for the unexpired term or until the next general election.

20. They may appoint in each county, a health officer, whose duty it shall be to enforce all orders and ordinances of the board of supervisors, pertaining to sanitary matters, and all orders, quarantine regulations, and rules prescribed by the state board of health, and all statutes relating to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county. He shall be a graduate of a medical college of good standing and repute, and shall hold office for a term of one year, and receive for his services a compensation not to exceed six hundred dollars per annum.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

For any unincorporated town, when public necessity requires such action; the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the state board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services not to exceed one hundred dollars in any one year.

21. The board of supervisors of the several counties shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments prepared by the clerk of the board, shall state separately the price of each article to be furnished, and any person may bid upon any article separately.

In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board.

The board shall annually fix the price at which the county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising; and each county officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the board of supervisors.

A square of advertising shall be two hundred and thirty-four ems nonpareil. No supplies, printing, stationery, or books, shall be procured of any person or firm whose paper has not been published or whose place of business has not been established in the county for one year or more prior to the time for fixing said prices.

22. The board shall cause to be published a semi-annual statement of the financial condition of the county, showing, in detail the expenditures authorized during the preceding six months; and within ten days after each session of the board, a fair statement of all their proceedings.

23. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

25. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted and carried on in such county, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the

collection of the same, by suit or otherwise; provided, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or state; and the board of supervisors shall issue to such soldier, sailor, or marine, without cost, a license therefor. The board may provide that any such license shall cease upon the non-payment of such tax, and any person, firm, or corporation transacting or carrying on such business, without such license whenever prescribed, is guilty of a misdemeanor.

26. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

28. To provide, by ordinances not in conflict with the general laws of the State, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

29. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

30. To provide for the burying of the indigent dead.

31. To make and enforce, within the limits of their county all such local police, sanitary, and other regulations as are not in conflict with general laws.

32. To adopt such rules and regulations within their respective counties, with regard to keeping

and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or cumbustible material, as the safety and protection of the lives and property of individuals may require.

33. To appropriate from the general fund of the county, unless otherwise in this act provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.

34. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

35. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

36. To grant on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

37. To enact ordinances, and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.

38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts.

39. To encourage under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted at the age of four years, a sum not exceeding one dollar.

40. To do and perform all other acts and things, required by law not in this act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

41. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collections within such districts of a tax therefor.

Sec. 26. The enacting clause of all ordinances of the board shall be as follows: "The board of supervisors of the county of ——— do ordain as follows:" Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in

the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the court-house door at least one week An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

Sec. 27. The board of supervisors shall have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpœnas, citations, or other process, as directed by the board.

Sec. 28. Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpœna, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness; and such subpœna may require such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

Sec. 29. It shall be the duty of the sheriff of the county to whom the subpœna is delivered, to serve the same by reading it to the person named therein, and at the same time to deliver to him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

Sec. 30. Whenever the board of supervisors shall appoint any members of their body a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all

the powers and be liable to all the duties herein given to and imposed upon the chairman of the board of supervisors.

Sec. 31. Whenever any person duly subpœnaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, as required by such subpœna, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

Sec. 32. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpœnaed to appear and give evidence on the trial of a civil cause before a superior court.

Sec. 33. The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them the reasonable expenses of their attendance.

Sec. 34. The board must provide printed copies of the great register, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Sec. 35. Whenever, as canvassers, the board of supervisors have declared the result of an election held in the county, certificates must be, by the county clerk, issued to all persons elected to a county, township, or district office therein, and such other certificates must be made out and transmitted as required by law.

Sec. 36. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. The board shall have no power to make allowances against any funds which, with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed the auditor's estimate of revenue for the year, or such proportion thereof as the time already elapsed shall bear to the entire year. Any allowance made contrary to the provisions of this section shall be null and void, and the auditor shall not draw his warrant therefor, nor the treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the auditor.

Sec. 37. Whenever the board of supervisors shall adopt plans and specifications for the erection, alteration, construction, or repair of any

public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, except by a vote of two-thirds of their number.

Sec. 38. Whenever the board of supervisors shall enter into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two-thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done on, or extra material furnished for, such building or structure.

Sec. 39. No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, or in any way except in the discharge of his official duty advocate the relief asked in the claim or demand made by any other. Any person may appear before the board and oppose the allowance of any claim or demand made against the county.

Sec. 40. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to

be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified.

Sec. 41. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed.

Such demand shall be made out in form substantially as follows:

Clerk's memoranda, No. ——.

—— Fund.

Demand of ——, dated ——, in sum of $——, for ——. Allowed by the board of supervisors ——, 18—, in the sum of $——.

Attest: ——, Clerk of Board.

.....

Demand of .....

No.——. —— Fund ——. Demand on the treasury of the County of ——, State of California, for the sum of —— dollars, being for ——

Date.	Items.	Dollars.	Cents.
....	.....	.....	.....
....	.....	.....	.....
....	.....	.....	.....
		$.....	.....

Expenditures authorized and approved by me.

——

——

State of California, } ss.
County of ——. }

The undersigned being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

——.

Subscribed and sworn to before me this —— day of ——.

——, County Clerk.

Allowed by Board of Supervisors, ——, 18—, in sum of $——, payable out of —— Fund.

Attest: ——, Clerk of Board of Supervisors.

Countersigned: ——, Chairman Board of Supervisors.

Warrant No. ——.

Allowed ——, 18—, for the sum of $——, payable out of —— Fund.

————, County Auditor.

No. ——. Registered ——, 189—,

————, County Treasurer.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the Board of Supervisors," together with the date of such allowance, the amount of such allowance and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the Auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the amount for which it is allowed, from what fund, date and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so allowed and signed by the Auditor, shall constitute the warrant on the treasury, within the meaning of this act.

Sec. 42. When the board find that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; and said rejection shall be plainly indorsed on said claim; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the board, but not afterward.

Sec. 43. If the board refuse, or neglect to allow or reject a claim or demand for ninety days, after the same has been filed with the clerk, such refusal or neglect may, at the option of the claim-

ant, be deemed equivalent to final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the board, but not afterward; and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if the more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed.

Sec. 44. Warrants drawn by order of the Supervisors on the county treasury for the current expenses during each year, must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of the presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

Sec. 45. No member of the board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose, or act as a member of a committee or board of reviewers.

Sec. 46. Whenever an application is made to the board for an order, franchise or license relating to any toll road, bridge, ferry, wharf, chute, pier or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

Sec. 47. All public notices of proceedings of or to be had before the board, not otherwise

specially provided for, must be posted at the courthouse door, and two other public places in the county.

Sec. 48. The board must require the assessor to report to the state board of equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may direct.

Sec. 49. All claims against the county, presented by members of the board of supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof. If the district attorney declare the claim, or any part thereof, illegal, he must state specifically wherein it is illegal, and the claim, or such part, must then be rejected by said board.

Sec. 50. The board must have prepared by the clerk, and when he is not also auditor, then by that officer, and under their direction, prior to their annual meeting for levying taxes, a statement showing:

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury and its several funds.

Sec. 51. The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

Sec. 52. The board may provide for widening, deepening, straightening, removing obstructions from and otherwise improving all streams and washes within the county and also protecting the

banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners or others. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to defray the costs of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this act.

Sec. 53. Any supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently or corruptly attempts to perform an act, as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained.

Sec. 54. No person is eligible to a county, district or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the state, and an elector of the county, district, or township in which the duties of the office are to be exercised; provided, that any woman who is of the age of twenty-one years, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee or member of the county board of education; and provided further, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the state of California.

Sec. 55. The officers of a county are a sheriff, a county clerk, an auditor, a recorder, a license collector, a tax collector, who shall be ex-officio license collector, a district attorney, an assessor,

a treasurer, a superintendent of schools, a public administrator, a coroner, a surveyor, the members of the board of supervisors and such other officers as may be provided by law. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this act, the duties of certain of the above-mentioned officers are hereby consolidated as follows: sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner. In counties where the duties of said officers have been, or may hereafter be, consolidated in either manner above designated, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

Sec. 56. The officers of a township are two justices of the peace, two constables and such subordinate officers as are provided by law. In townships containing cities in which city justices or recorders are elected, there shall be but one justice of the peace; except as hereinafter otherwise provided, and in townships having a population less than four thousand, there shall be but one justice of the peace and one constable. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables. But the provisions of this section shall not affect any present incumbent of the office of justice of the peace or constable.

Sec. 57. Whenever notice is required by law to be published in a newspaper by any county or

township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law pertaining to the duties of his office, shall be a misdemeanor.

Sec. 58. All elective county and township officers, and city justices of the peace, except otherwise provided for in this act, shall be elected at the general election at which the Governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The supervisors of any county created after the first day of January, eighteen hundred and ninety-three, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election.

Sec. 59. Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

Sec. 60. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies.

Sec. 61. All county officers must have their offices at the county seat, and the sheriff, clerk, recorder, auditor, treasurer and district attorney must keep their offices open for the transaction

of business from nine o'clock a. m. until five o'clock p. m., non-judicial days excepted.

Sec. 62. Whenever, except in criminal prosecutions, any special penalty, forfeiture or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon.

Sec. 63. Every officer mentioned in section fifty-five, and his deputies, and every justice of the peace, may administer and certify oaths.

Sec. 64. A county or township officer shall in no case absent himself from the state for a period of more than sixty days in any one year, and for no period without the consent of the board of supervisors of the county, except when on business for the state; provided, that in case of illness or urgent necessity, the board of supervisors may, on a proper showing of such illness or urgent necessity, extend the time herein limited, for the absence of any such officer, not to exceed six months.

Sec. 65. Sheriffs, clerks and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

Sec. 66. The board of supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace and constable. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved

by the judge, or judges, if there be more than one, of the superior court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth in real and personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as herein provided.

COUNTY TREASURER.

Sec. 67. The county treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for

the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants, issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

Sec. 68. He must receive no money into the treasury unless accompanied by the certificate of the auditor, provided for in section one hundred and eleven.

Sec. 69. When any money is paid to the county treasurer he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

Sec. 70. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same and write on the face thereof "Paid," the date of payment, and sign his name thereto.

Sec. 71. When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent. interest per annum.

Sec. 72. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the courthouse door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

Sec. 73. In advertising warrants under the provisions of the preceding section in any newspaper, the treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same

day are payable, the treasurer must designate such payable warrants in the advertisement.

Sec. 74. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants must be noted by the treasurer, and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

Sec. 75. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the treasurer applied to the payment of unpaid warrants next in order of registry. The board of supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated.

Sec. 76. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

Sec. 77. The treasurer must settle his accounts relating to the collection, care and disbursement of public revenue, of whatsoever nature and kind with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the source whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all account with the auditor, annually, on the first Monday of January, in the presence of the supervisors.

Sec. 78. Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all money

received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amount of disbursements, together with the debts due to and from the county, may distinctly appear.

Sec. 79. If any county treasurer neglect or refuse to settle or report, as required in sections seventy-seven and seventy-eight, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suits for the recovery thereof.

Sec. 80. If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-two, he shall be liable for such refusal or neglect upon his official bond, and the county treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent. thereon by way of damages. And no order of the board of supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge.

Sec. 81. The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

Sec. 82. If the money in the treasury is demanded within six years, by the legal representatives of the decedent, the treasurer must pay it to them, after deducting the fees and expenses of the coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

Sec. 83. The county treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession, until dis-

bursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe keeping of the public moneys; but he shall be liable therefor on his official bond.

Sec. 84. Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

Sec. 85. In case of the death of any county treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers and documents which are or may come into their possession.

Sec. 86. The books, accounts and vouchers of the treasurer are at all times subject to the inspection and examination of the board of supervisors and grand jury.

Sec. 87. The treasurer must permit the chairman of the board of supervisors, district attorney and auditor to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

SHERIFF.

Sec. 88. "Process," as used in this act, includes all writs, warrants, summons and orders of courts of justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any court, board or officer, or when required by law to be served independently of such proceeding.

Sec. 89. The sheriff must:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.
3. Prevent and suppress any affrays, breaches

of the peace, riots and insurrections which may come to his knowledge.

4. Attend all superior courts held within his county, and obey all lawful orders and directions of all courts held within his county.

5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail, and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

8. Indorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time when received.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

Sec. 90. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the postoffice, prepaying postage.

Sec. 91. The return of the sheriff upon process or notices is prima facie evidence of the facts in such return stated.

Sec. 92. If a sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

Sec. 93. If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

Sec. 94. If he neglects or refuses to pay over,

on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent. damages, and interest at the rate of ten per cent. per month, from the time of demand, may be recovered by such person.

Sec. 95. A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

Sec. 96. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

Sec. 97. An action cannot be maintained against the sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff.

Sec. 98. No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

Sec. 99. When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and

remains committed for sixty days, his office is vacant.

Sec. 100. A sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face, and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

Sec. 101. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

Sec. 102. The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

Sec. 103. Service of a paper, other than process, upon the sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate, under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

Sec. 104. When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the sheriff to execute, must be executed by the coroner of the county: provided, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United State over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

Sec. 105. Process or orders in an action or pro-

ceeding may be executed by a person residing in the county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases:

1. When the sheriff and coroner are both parties;

2. When either of these officers is a party, and the process is against the other; and

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice or other cause, would not act promptly or impartially.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

Sec. 106. The sheriff must perform such other duties as are required by law.

COUNTY CLERK.

Sec. 107. The county clerk must:

1. Take charge of and safely keep, or dispose of, according to law, all books, papers and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be

entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment of Judgment Book," "Page of Minute Book"; also an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book"; keep an index of the names of persons naturalized.

Sec. 108. He must keep such other records and perform such other duties as are prescribed by law.

COUNTY AUDITOR.

Sec. 109. The auditor must issue warrants as provided in section forty-one, on the county treasurer, in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed and ordered paid by the board of supervisors. The auditor must also issue warrants on the county treasurer for all debts and demands against the county, when the amounts are fixed by law, or are authorized by law to be allowed by some person or tribunal other than the board of supervisors.

Sec. 110. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

Sec. 111. The auditor must examine and settle the accounts of all persons or officers indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to

such persons a discharge, and charge the treasurer with the amount received by him.

Sec. 112. The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor must file such receipt, and charge the treasurer with the amount thereof.

Sec. 113. All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

Sec. 114. The auditor must, between the first and tenth day of each month, examine the books of the treasurer and see that the same have been correctly kept.

Sec. 115. The chairman of the board of supervisors, district attorney and auditor, must, at least once in each month, count the money in the county treasury, and make and verify in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.

2. The amount and kind of money actually therein.

Sec. 116. They must file one of the statements in the office of the county clerk, and the auditor must post and maintain the other in his office for at least one month thereafter.

Sec. 117. The auditor and treasurer of each county must, on the first Monday in February, May, August and November, and at such other times as the board of supervisors may require, make a joint statement to the board of supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same were distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and

unpaid, the accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally, make a full and specific showing of the financial condition of the county. The auditor shall prepare and submit to the board of supervisors, each year, a statistical report, showing in compendious form all financial transactions of the county, yearly, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court and road district and school district, and classify the principal items of income and expenditure, according to a plan to be approved by the board of supervisors, and the board of supervisors shall publish the same.

Sec. 118. The auditor must discharge such other duties as are required by law.

COUNTY RECORDER.

Sec. 119. The recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages or other instruments of general use. He has the custody of, and must keep all books, records, maps and papers deposited in his office.

Sec. 120. He must, upon the payment of his fees for the same, record, separately, in large and well-bound separate books, in a fair hand:

1. Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved.
2. Mortgages of personal property.
3. Certificates of marriage and marriage contracts.
4. Wills admitted to probate.
5. Official bonds.
6. Notice of mechanics' lien.
7. Transcripts of judgments, which by law are made liens upon real estate.
8. Notices of attachments upon real estate.
9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

10. Instruments describing or relating to the separate property of married women.
11. Births and deaths; and,
12. Such other writings as are required or permitted by law to be recorded.

Sec. 121. Every recorder must keep:

1. An index of deeds, grants and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants or Transfers" and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants or Transfers," and "Where Recorded."

3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indices of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indices of releases of mortgages, labeled respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this head placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Offi-

cial Bonds," each page divided into five columns, headed respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled, "Notices of Actions," each page divided into three columns, headed, respectively, "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of Their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indices as are or may be required by law.

23. An index of decrees of distribution in probate, labeled: "Decrees of Distribution," divided into six columns, headed, respectively: "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

Sec. 122. The Recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate

sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

Sec. 123. The Recorder must file and record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is Recorder.

Sec. 124. Every such certified copy of partition, from the time of filing the same with the Recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant or transfer.

Sec. 125. The Recorder may keep in the same volume any two or more of the indices mentioned in section one hundred and twenty-one; but the several indices must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indices kept therein. The names of the parties in the first column in the several indices must be arranged in alphabetical order, and when a conveyance is executed by a Sheriff, the name of the Sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

Sec. 126. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the Recorder's office for record, the Recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the

same were received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

Sec. 127. He must also indorse upon each instrument, paper, or notice the time when, the book and pages in which it is recorded, and must thereafter deliver it to the party leaving the same for record, or upon his order.

Sec. 128. It shall be the duty of the Recorder, upon the payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

Sec. 129. If any Recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or,

2. Records any instrument, paper, or notice, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or,

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts, any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

Sec. 130. He shall not record any instrument, or file any paper or notice, or furnish any copy, or render any service connected with his office, until his fees for the same, as prescribed by law, are, if demanded, paid or tendered.

Sec. 131. All books of record, maps, charts, surveys, and other papers on file in the Recorder's office, must, during office hours, be open for inspection by any person, without charge; and the Recorder must arrange the books of record and indices in his office in such suitable places as to facilitate their inspection.

DISTRICT ATTORNEY.

Sec. 132. The District Attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the Superior Court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the State or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the State or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the County Treasurer.

5. On the first Monday of each month file with the Auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the County Treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

Sec. 133. The District Attorney is the legal adviser of the Board of Supervisors. He must attend their meetings, when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

Sec. 134. The District Attorney, except for his own services, must not present any claim, account or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

COUNTY SURVEYOR.

Sec. 135. The County Surveyor must be a licensed land surveyor of the State, and must make any survey that may be required by order of court or of the Board of Supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and indorse thereon its proper number; a copy of the same, and a fair and accurate plat, together with a certificate of survey, must upon application, be furnished by him to any person, upon payment of the fees allowed by law.

Sec. 136. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the Surveyor of any county in which any part of such land is situated, and on such application being made, the Surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

Sec. 137. When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the Surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

Sec. 138. Each County Surveyor must, when required, aid and assist the Surveyor-General in making surveys within the county. When the County Surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the County Surveyor would be entitled to for similar service.

Sec. 139. The County Surveyor shall copy, plat, or trace all maps filed for record in the office of the County Recorder of the county for which he shall be elected, and shall be ex officio Deputy County Recorder for said county for such purposes at the cost of the party filing the same for record; provided, however, that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this Act. The County Surveyor shall plat, trace, blueprint, or otherwise make all county, township, road, district, and all other maps, and all Assessors' block books, for the county of which he is Surveyor. All such maps which are platted, traced, blue-printed, or otherwise made as aforesaid, shall be filed in the County Surveyor's office, together with all data obtained by the County Surveyor from other sources, and the same thereafter shall become the property of the county.

Sec. 140. The County Surveyor shall make such surveys of county roads, and perform such other engineering work as the Board of Supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the County Surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the County Surveyor to advise the Board of Supervisors regarding all engineering work, and to perform such engineering work for the county as may be required by the Board of Supervisors.

Sec. 141. The Board of Supervisors of each county shall provide, for the use of the County Surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material, also all necessary expenses and transportation on work performed in the field. In lieu of fees, as now provided by law, the County Surveyor shall receive such compensation as the Board of Supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

COUNTY CORONER.

Sec. 142. The Coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The Coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may, upon the written order of the District Attorney, employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the Superior Court of the county; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

Sec. 143. When an inquest is held by the Coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Sec. 144. It shall be the duty of the Coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the Coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Sec. 145. The Coroner must, within thirty days after an inquest upon a dead body, deliver to the County Treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the Treasurer, showing:

1. The amount of money or other property be-

longing to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the Coroner, or any Justice of the Peace acting as Coroner, fail to deliver to the Treasurer, within thirty days after an inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the Public Administrator, or other legal representative of the decedent, as required by this section, the District Attorney must proceed against the Coroner or Justice of the Peace acting as Coroner, to recover the same, by civil action, in the name of the county.

Sec. 146. If the office of Coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any Justice of the Peace of the county, with the like authority, and subject to the same obligations and penalties as the Coroner.

Sec. 147. In the cases specified in section one hundred and four, the Coroner must discharge the duties of Sheriff.

Sec. 148. The Assessor must perform such duties as are prescribed in title nine, part three, of the Political Code, and such other duties as are required by law; provided, that where any salary is allowed to the Assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the County Auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the Assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

Sec. 149. The Tax Collector must perform such duties as are prescribed in title nine, part three, of the Political Code, and as License Collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into

the county treasury, taking the receipt of the Treasurer therefor.

Sec. 150. The School Superintendent must perform such duties as are prescribed in title three, part three, of the Political Code, and shall perform such other duties as are required by law.

Sec. 151. The Public Administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure, and shall perform such other duties as are required by law.

Sec. 152. It shall be the duty of the Public Administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-annual report required to be made by the Public Administrator shall be a county charge.

Sec. 153. Constables must attend the courts of Justices of the Peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by Justices of the Peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are now or may be hereafter allowed by law.

Sec. 154. All provisions of sections eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, and one hundred and three, except, the fourth and sixth subdivisions of section eighty-nine, apply to Constables, and govern their powers, duties, and liabilities.

Sec. 155. Justices of the Peace must perform such duties as are prescribed in title eleven, par

two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

Sec. 156. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the Auditor.

Sec. 157. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this State are hereby classified, according to their population (as ascertained and determined in section ten), as follows, to-wit:

All counties containing a population of two hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred and twenty thousand and under two hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of one hundred thousand and under one hundred and twenty thousand shall belong to and be known as counties of the third class.

Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty-five thousand and under fifty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-seven thousand and under forty-five thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-six thousand and under thirty-seven thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-five thousand five hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class.

Counties having a population of thirty-five thousand and under thirty-five thousand five hundred shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-six thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty-four thousand and under twenty-six thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of twenty-two thousand five hundred and under twenty-four thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of twenty-two thousand and under twenty-two thousand five hundred shall belong to and be known as counties of the fifteenth class.

Counties having a population of twenty-one thousand five hundred and under twenty-two thusand shall belong to and be known as counties of the sixteenth class.

Counties having a population of twenty-one thousand and under twenty-one thousand five hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of twenty thousand five hundred and under twenty-one thousand shall belong to and be known as counties of the eighteenth class.

Counties having a population of twenty thousand and under twenty thousand five hundred shall belong to and be known as counties of the nineteenth class.

Counties having a population of eighteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the twentieth class.

Counties having a population of eighteen thousand three hundred and fifty and under eighteen thousand five hundred shall belong to and be known as counties of the twenty-first class.

Counties having a population of eighteen thousand three hundred and under eighteen thousand three hundred and fifty shall belong to and be known as counties of the twenty-second class.

Counties having a population of eighteen thousand and under eighteen thousand three hundred shall belong to and be known as counties of the twenty-third class.

Counties having a population of seventeen thousand three hundred and fifty and under eighteen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of seventeen thousand three hundred and under seventeen thousand three hundred and fifty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of seventeen thousand one hundred and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of sixteen thousand five hundred and under seventeen thousand one hundred shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of sixteen thousand one hundred and fifty and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of sixteen thousand and under sixteen thousand one hundred and fifty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of fourteen thousand four hundred and under sixteen thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of fourteen thousand and under fourteen thousand four hundred shall belong to and be known as counties of the thirty-first class.

Counties having a population of thirteen thousand one hundred and under fourteen thousand shall belong to and be known as counties of the thirty-second class.

Counties having a population of thirteen thousand and under thirteen thousand one hundred shall belong to and be known as counties of the thirty-third class.

Counties having a population of twelve thousand five hundred and under thirteen thousand shall

belong to and be known as counties of the thirty-fourth class.

Counties having a population of twelve thousand and under twelve thousand five hundred shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of eleven thousand six hundred and fifty and under twelve thousand shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of eleven thousand six hundred and under eleven thousand six hundred and fifty shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of eleven thousand and under eleven thousand six hundred shall belong to and be known as counties of the thirty-eighth class.

Counties having a population of ten thousand five hundred and under eleven thousand shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of ten thousand two hundred and under ten thousand five hundred shall belong to and be known as counties of the fortieth class.

Counties having a population of nine thousand eight hundred and under ten thousand two hundred shall belong to and be known as counties of the forty-first class.

Counties having a population of nine thousand and under nine thousand eight hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of eight thousand eight hundred and under nine thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of eight thousand five hundred and under eight thousand eight hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of seven thousand nine hundred and under eight thousand five hundred shall belong to and be known as counties of the forty-fifth class.

Counties having a population of seven thousand

five hundred and under seven thousand nine hundred shall belong to and be known as counties of the forty-sixth class.

Counties having a population of seven thousand four hundred and under seven thousand five hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of six thousand five hundred and under seven thousand four hundred shall belong to and be known as counties of the forty-eighth class.

Counties having a population of five thousand nine hundred and under six thousand five hundred shall belong to and be known as counties of the forty-ninth class.

Counties having a population of five thousand seven hundred and under five thousand nine hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of five thousand five hundred and under five thousand seven hundred shall belong to and be known as counties of the fifty-first class.

Counties having a population of five thousand three hundred and under five thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of four thousand nine hundred and under five thousand three hundred shall belong to and be known as counties of the fifty-third class.

Counties having a population of four thousand and under four thousand nine hundred shall belong to and be known as counties of the fifty-fourth class.

Counties having a population of three thousand and under four thousand shall belong to and be known as counties of the fifty-fifth class.

Counties having a population of two thousand and under three thousand shall belong to and be known as counties of the fifty-sixth class.

Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class.

Sec. 158. In counties of the first class the officers shall receive, as compensation for the services required of them by law, or by virtue of their office,

the salaries and fees fixed by law as compensation; provided, that this shall not be construed as adding any additional compensation to any officer; provided, however, that the Sheriff shall also be allowed mileage for the service of any paper required by law to be served, at the rate of fifteen cents per mile for one way only, to be paid by the person requiring such service.

Sec. 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the County Clerk the following deputies, who shall be appointed by the County Clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and thirty-five dollars per month; two registry clerks at a salary of one hundred and twenty-five dollars each per month; one clerk of the Board of Supervisors at a salary of one hundred and twenty-five dollars per month, and six court-room clerks at a salary of one hundred and fifteen dollars each per month; one recording clerk, one file clerk, one index clerk, one clerk in charge of criminal records, at eighty dollars per month; one miscellaneous clerk and one assistant clerk of the Board of Supervisors at a salary of ninety dollars each per month; one clerk at a salary of seventy-five dollars per month; one clerk at a salary of forty-five dollars per month; one deputy at a salary of twenty-five dollars per month; six clerks at a salary of seventy dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the County Clerk is paid.

2. The Sheriff, four thousand dollars per annum; provided that in counties of this class there shall be and there hereby is allowed to the Sheriff an Under Sheriff and the following deputies and stenographers, who shall be appointed by the Sheriff of said county, and shall be paid salaries

as follows: One Under Sheriff at a salary of one hundred and thirty-five dollars per month; one bookkeeper at a salary of one hundred and twenty-five dollars per month; eight deputies at a salary of ninety dollars each per month; six court deputies at a salary of ninety dollars each per month; four jail deputies at a salary of seventy dollars each per month; one jail matron at a salary of fifty dollars per month; one stenographer at a salary of sixty dollars per month. The salaries of the Under Sheriff and all deputies and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund that the salary of the Sheriff is paid. The Sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be a charge against the county, and allowed as such by the Board of Supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution the Sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale, and a commission of one per cent upon the proceeds of the sale, which commission shall in no case exceed the sum of twenty-five dollars. Said commission shall be paid into the county treasury and shall be the property of the county.

3. The Recorder, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the Recorder the following deputies and copyists, who shall be appointed by the Recorder of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of ninety dollars each per month; two deputies at a salary of eighty-five dollars each per month; four deputies at a salary of eighty dollars each per month; two deputies at a salary of seventy-five dollars each per month, not to exceed four months in any one year; and as many copyists as may be required, who shall receive as compensation for their services the sum of five and one half cents per folio for recording any instrument or notice, except maps or plats;

for copies of any record or paper, five cents per folio. The salaries and compensation of all deputies and copyists, herein provided for, shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the County Recorder is paid.

4. The Auditor, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the Auditor the following deputies and clerks, who shall be appointed by the Auditor, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of ninety dollars per month; two deputies at a salary of eighty dollars per month each; and forty clerks at a salary of seventy-five dollars each per month, not to exceed one month each in any one year, and such additional assistance as the Auditor may require, and whose compensation in the aggregate shall not exceed the sum of seven hundred and fifty dollars in any one year. The salaries of the chief deputy, deputies, and clerks herein provided for shall be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the Auditor.

5. The Treasurer, three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be and hereby is allowed to the Treasurer one chief deputy, who shall be appointed by the Treasurer, and shall be paid a salary of one hundred and twenty-five dollars per month, also one deputy at a salary of ninety dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the Treasurer.

6. The Tax Collector, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; provided, that in counties of this class there shall be and there hereby is allowed to the Tax Collector the following deputies and clerks, who shall be appointed by the Tax Collector, and shall be paid

salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; one cashier, two report clerks, and one general clerk, at a salary of one hundred dollars each per month, one corresponding clerk at a salary of ninety dollars per month, one license clerk at a salary of ninety dollars per month, and two license inspectors at a salary of seventy-five dollars per month each; three clerks at a salary of seventy-five dollars each per month; one clerk at a salary of ninety dollars per month, not to exceed four months in any one year; thirty-four clerks at a salary of seventy-five dollars each per month, not to exceed four months each in any one year. There is also allowed not to exceed four hundred dollars for traveling expenses for the License Tax Collector each year. The salaries of the chief deputy and all the clerks and deputies herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the Tax Collector.

7. The District Attorney, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the District Attorney an Assistant District Attorney and the following deputies, who shall be appointed by the District Atorney of said county, and shall be paid salaries as follows: One Assistant District Attorney at a salary of one hundred and eighty-five dollars per month; one chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred dollars each per month; and one stenographer at a salary of seventy-five dollars per month; provided further, that nothing herein contained shall be construed to prevent the Board of Supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the Assistant District Attorney, deputies, stenographer, and special counsel herein provided for shall be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the District Attorney.

8. The Assessor, thirty-six hundred dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the Assessor the following deputies and clerks, who shall be appointed by the Assessor, and shall be paid salaries as follows: One chief deputy, at one hundred and twenty-five dollars per month; one second deputy, at a salary of one hundred fifteen dollars per month; one valuation clerk, at a salary of eighty-five dollars per month; one transfer clerk, at a salary of eighty-five dollars per month; twenty field deputies for not exceeding one month in any one year, at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding two months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; four clerks for not exceeding four months in any one year, at a salary of ninety dollars each per month; one clerk for not exceeding three months in any one year, at a salary of ninety dollars per month; nineteen clerks for not exceeding four months in any one year, at a salary of eighty dollars each per month; four clerks and one stenographer not to exceed four months in any one year, at a salary of sixty dollars each per month; five clerks for not exceeding one month in any one year, at a salary of eighty dollars each per month; fifteen clerks, copyists, and indexers for not to exceed four months in any one year, at a salary of sixty dollars each per month, and one messenger for not exceeding four months in any one year, at a salary of thirty dollars per month. The salaries of the deputies, stenographer and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Assessor is paid.

9. The Coroner, three thousand dollars per year and his actual necessary traveling expenses when

traveling outside of the county seat. He must hold inquests, as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The Coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, as now provided by law.

10. The Public Administrator, three thousand dollars per annum.

11. The Superintendent of Schools, three thousand dollars per annum, which shall be in full for all services including attendance upon the Board of Education, and actual necessary traveling expenses not to exceed five dollars each for every school district in the county; provided, that in counties of this class, there shall be and there hereby is allowed to the Superintendent of Schools one assistant and one deputy, who shall be appointed by the Superintendent of Schools of said county, and shall be paid salaries as follows: One assistant at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the assistant and deputy herein provided for shall be paid by the county in the same manner, and at the same time, and out of the same fund as the Superintendent of Schools is paid.

12. The Surveyor, ten dollars per day for all work performed, and in addition thereto all necessary expenses and transportation for work performed in the field; provided, that in counties of this class, there shall be and there hereby is allowed to the Surveyor, one chief deputy and seven draughtsmen, who shall be appointed by the Surveyor of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and forty dollars per month; five draughtsmen at a salary of one hundred dollars each per month; and two draughtsmen at a salary of sev-

enty-five dollars per month. The salaries of the chief deputy and draughtsmen herein provided for, shall be paid by said county in monthly installments, at the same time and in the same manner as the deputies of other county officers are paid.

13. Supervisors, one thousand eight hundred dollars per annum, together with mileage, at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as Road Commissioners or Supervisors, not exceeding in the aggregate five hundred dollars each per annum. They shall also receive their necessary expenses when attending meetings of the State Board of Equalization.

14. Justices of the Peace, such fees as are now or may be hereafter allowed by law; provided, that no Justice of the Peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one-third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the County Treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said board with their said report; provided further, that the Boards of Supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the Justice's Court.

15. Constables, such fees as are now or may hereafter be allowed by law; provided, that no Constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one-third dollars per month for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be made parties; and no claim of any such Constable, in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such Constable, on the account aforesaid, shall belong to and be the property of the county in which Constable has been elected or appointed. And each of said Constables shall report under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said board, with his said report.

16. This section and all subdivisions and parts thereof shall be in force and take effect from and after the passage of this act.

Sec. 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries:

1. The County Clerk, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the County Clerk one chief deputy, whose salary is hereby fixed at the sum of sixteen hundred dollars per annum; four court-room deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and one copyist, whose salary

is hereby fixed at the sum of six hundred dollars per annum; the chief deputy, eight deputies, and one copyist herein provided for shall be appointed by the Clerk of said county, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of County Clerk.

2. The Sheriff, four thousand dollars per annum; provided, that there shall be and hereby is allowed to the Sheriff one under-sheriff, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one assistant jailer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; and five deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; the under-sheriff, chief jailer, assistant jailer, and five deputies herein provided for shall be appointed by the Sheriff of said county, and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Sheriff; provided, that in counties of this class the Sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the County Auditor, a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the Sheriff shall thereupon pay over to the County Treasurer, for the use of the county, any difference between the amount allowed for such purpose by the Supervisors and the amount actually expended by him therefor.

3. The Recorder, four thousand dollars per annum; provided, that there shall be and thereby is allowed to the Recorder one chief deputy, whose salary is hereby fixed at fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one mortgage deputy, whose salary is hereby fixed at twelve hundred dollars per annum; provided further, that the chief deputy, two deputies, and one mortgage deputy herein provided for shall be appointed by the Recorder of

said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the Recorder; provided further, that in counties of this class the Recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding six and one-half cents per folio for each paper or document so recorded; and provided further, that said Recorder shall file monthly, with the County Auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

4. The Auditor, three thousand dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the Auditor one deputy, who shall be appointed by the Auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and such additional assistance as the Auditor may require, and whose compensation shall not in the aggregate exceed the sum of five hundred dollars per annum; and provided, that the Auditor shall file with the County Clerk a verified statement, showing in detail the amounts paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Auditor.

5. The Treasurer, three thousand dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the Treasurer one deputy, who shall be appointed by the Treasurer of said county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sum shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Treasurer.

6. The Tax Collector, three thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the Tax Collector one chief deputy, whose salary is

hereby fixed at the sum of fifteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; provided further, that there shall be and there hereby is allowed to the Tax Collector one extra deputy for the month of April of each year, whose salary shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and seven extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and nine extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; provided further, that the chief deputy, and all other deputies herein provided for, shall be appointed by the Tax Collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Tax Collector.

6½. The License Collector shall receive fifteen per cent of all licenses collected by him.

7. The Assessor, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the Assessor one chief deputy, whose salary is hereby fixed at eighteen hundred dollars per annum, one deputy, whose salary is hereby fixed at twelve hundred dollars per annum; and provided further, that there shall be and there hereby is allowed to the Assessor two poll tax or other deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; five deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; four

copyists, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; seven outside field deputies, whose salaries are hereby fixed at one hundred and twenty-five dollars per month each during the time which they shall hold office, as hereinafter provided; one cashier, whose salary is hereby fixed at one hundred dollars per month during the time which he shall hold office, as hereinafter provided, one personal property tax collector, who shall hold office for the period of four months, as hereinafter provided, and at a compensation of one hundred dollars per month; and eight extra deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; provided, that the chief deputy, personal property tax collector, all other deputies, all copyists and cashier herein provided for shall be appointed by the Assessor of said county; provided further, that the one chief deputy, one deputy, two poll tax or other deputies, five deputies, four copyists, seven outside field deputies, personal property tax collector, cashier, and eight extra deputies herein provided for, shall be paid during the time which they shall hold office as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Assessor; provided further, that the two poll tax deputies, five deputies, four copyists, seven outside field deputies, one personal property tax collector, and eight extra deputies herein provided for, shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; and the cashier herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of September of each year. It is hereby further provided, that in counties of this class the Assessor shall receive no commission for his collection of taxes on personal property, nor shall such Assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said Asses-

sor receive any compensation for making out the military roll of persons returned by him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; provided, however, that should the Assessor be directed by any law, or by any order of the Board of Supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block books for the use of the county, or assessment rolls for the use of any municipality, then said Assessor shall only receive the actual cost by him incurred in making or preparing such maps, plats, block books, or assessment rolls; and provided further, that he shall file with the County Auditor a sworn statement, showing the persons to whom, and the amounts paid to each, for such maps, plats, block books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work.

8. The District Attorney, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the District Attorney one Chief Deputy District Attorney, whose salary is hereby fixed at two thousand dollars per annum; one Assistant District Attorney, whose salary is hereby fixed at fifteen hundred dollars per annum; one Deputy District Attorney, whose salary is hereby fixed at twelve hundred dollars per annum, and one clerk, whose salary is hereby fixed at the sum of six hundred dollars per annum: provided further, that the Chief Deputy District Attorney, Assistant District Attorney, and Deputy District Attorney, and clerk shall be appointed by the District Attorney, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the District Attorney.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, three thousand dollars per annum; provided, that in coun-

ties of this class there shall be and hereby is allowed to the superintendent of schools one deputy, whose salary is hereby fixed at nine hundred dollars per annum; provided, that the said deputy shall be appointed by the superintendent of schools, and such salary shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; provided, that whenever the surveyor is directed or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; and provided further, that such county surveyor shall file with the county auditor, a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

13. In all townships in counties of this class, the justices of the peace shall receive such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each supervisor, one hundred and twenty-five dollars per month, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; provided, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

16. All deputies and assistants hereinbefore provided for shall be appointed by their respective

principals, and the salaries of all deputies and assistants shall be paid in the same manner and out of the same fund as the salaries of their respective principals.

17. This section shall be in force and effect from and after the first Monday after the first day of January, eighteen hundred and ninety-nine, except subdivision six and one-half, which said subdivision shall take effect sixty days after the passage of this act; provided, that none of the provisions of this act herein or elsewhere contained shall be construed as diminishing the fees, compensation, emoluments, or receipts of any incumbent or incumbents of offices of counties of the third class, but such provisions shall only be in force and effect as to the offices and officers enumerated in this section after said last named date, except as hereinabove provided.

Sec. 161. In counties of the fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, nine thousand dollars per annum.

2. The sheriff, nine thousand five hundred and twenty dollars per annum; provided, that he shall receive as additional compensation the mileage collected by him in criminal cases where the same is not a charge against his county.

3. The recorder, eight thousand dollars per annum.

4. The auditor, four thousand dollars per annum.

5. The treasurer, four thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum, which shall include all fees and percentage as license collector.

7. The assessor, nine thousand five hundred dollars per annum, and the said assessor may appoint one deputy assessor, which office of deputy assessor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

8. The district attorney, three thousand two

hundred dollars per annum; and the said district attorney may appoint one assistant district attorney, and one deputy district attorney, which said offices of assistant district attorney and deputy district attorney are hereby created. The salary of such assistant district attorney is hereby fixed at eighteen hundred dollars per annum, and the salary of such deputy district attorney is hereby fixed at twelve hundred dollars per annum, such salaries to be paid at the same time and in the same manner as the salaries of other county officers

I. The coroner, six hundred dollars per annum.

II. The public administrator, such fees as are now or may be hereafter allowed by law.

III. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

IV. The surveyor, such fees as are now or may be hereafter allowed by law.

V. Justices of the peace, such fees as are now or may be hereafter allowed by law; provided, that justices of the peace shall be allowed for their services no more than two thousand dollars in any one year from criminal fees; provided, however, that in townships containing a population of not less than twenty thousand and not more than forty thousand inhabitants, the justice of the peace shall be allowed a clerk at a salary of seventy-five dollars per month, which amount shall be allowed and paid out of the fees collected in addition to the said two thousand dollars allowed the justices of the peace of said townships in counties of this class. Said justices of the peace shall render an itemized account, under oath, on the first Monday of each month, to the board of supervisors of all fees collected; provided further, that in counties of this class, in townships having a population of twenty thousand inhabitants and over there shall be two justices of the peace.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, one thousand two hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat for each trip when attending the county seat upon official business, such mileage not to exceed forty-five dollars per month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners, and as such road commissioner shall be paid the sum of five hundred dollars per annum each.

16. Section one hundred and sixty-one of this act shall go into effect from and after its passage.

Sec. 162. In counties of the fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum; he shall appoint one chief deputy at a salary of fifteen hundred dollars per annum, one additional deputy at a salary of nine hundred dollars per annum, and three court room clerks at a salary of twelve hundred dollars each per annum. The salaries of each of said deputies and clerks to be paid out of the county treasury, in equal monthly installments in the same manner and at the same time as other county officials are paid.

2. The sheriff, nine thousand dollars per annum, and one deputy sheriff at a salary of one thousand five hundred dollars, to be paid at the same time and in the same manner as other county officers are paid, being the same deputy allowed sheriffs under and by virtue of section two hundred and sixteen of an act entitled "An act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three, and such fees and mileage as are now or hereafter may be provided by law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping

property seized under attachment or levied on under execution: provided, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken.

3. The recorder, four thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, three thousand four hundred dollars per annum.

6. The tax collector, two thousand five hundred dollars per annum.

6½. The license collector, one thousand eight hundred dollars per annum.

7. The assessor, six thousand dollars per annum.

8. The district attorney, three thousand six hundred dollars per annum. In counties of this class the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. In counties of this class the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time other county officials are paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum.

12. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all

necessary expenses and transportation for work performed on the field; provided, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted the sum of nine hundred dollars for the preparation and completion of the said map or block books.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, seventy-five dollars per month, and ten cents per mile for traveling to and from the county seat; provided, mileage shall not be allowed oftener than once in each month.

16. In counties of this class, the official reporters, not exceeding two, of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said cases tried in said court, each a monthly salary of one hundred and sixty-six and two-thirds dollars, payable out of the county treasury at the same time and in the same manner as the salary of other county officers; and for transcription of said notes, when required, the sum of ten cents per folio for the original, and five cents per folio for a copy, shall be paid the reporter making the transcription; provided, that said two official reporters herein designated shall perform all the services necessary in all the departments of said court, and when the departments shall require the services of a reporter at the same session, it shall be the duty of the said two official reporters to furnish the extra reporter, and his compensation shall be paid by them, and shall not be a charge against the county. Said compensation for transcription in criminal cases to be allowed on the order of the court and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. It is further provided that in each civil case reported by the official reporter there shall be taxed as costs in the case, ten dollars per diem for each day of the trial thereof. Such per diem fee shall

be paid to the clerk of the court in advance by the party requesting the services of the reporter, and where his services are requested by more than one party, then such fee shall be paid in equal proportions by each of said parties. All per diem fees so collected shall be paid by said clerk into the treasury of the county in which the case is tried.

17. All portions of this section referring to the salaries of the sheriff, county clerk, surveyor, and reporters, shall take effect and be in full force from and after the passage of this act.

Sec. 163. In counties of the sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum; provided, that he shall appoint one chief deputy at a salary of twelve hundred dollars per annum, and two court-room deputies at a salary of nine hundred dollars per annum each; the salaries of said three deputies shall be paid by said county clerk out of said five thousand dollars compensation above named.

2. The sheriff, six thousand two hundred dollars per annum; provided, that he shall appoint one under sheriff at a salary of fifteen hundred dollars per annum, and three deputy sheriffs at a salary of nine hundred dollars per annum each. The salaries of said under sheriff and deputies shall be paid by said sheriff out of said sixty-two hundred dollars compensation above named. The sheriff shall also receive, as compensation for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing writ of habeas corpus, or collecting taxes, in going only, twenty cents for each mile; provided, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most dis-

tant points to complete such service, which distance shall, in all cases, be estimated by the nearest practicable route.

3. The recorder, three thousand nine hundred dollars per annum; provided, that the recorder shall appoint a chief deputy at a salary of one thousand two hundred dollars per annum, and two copyists at a salary of six hundred dollars per annum each, which salary of chief deputy and of said two copyists shall be paid by said recorder out of said three thousand nine hundred dollars compensation above named.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, four thousand two hundred dollars per annum; provided, that the assessor shall appoint eight deputy assessors at a salary of three hundred dollars per annum each, all of which deputies' salaries shall be paid by said assessor out of said four thousand two hundred dollars compensation above named.

8. The district attorney, two thousand four hundred dollars per annum, and one assistant district attorney at a salary of fifteen hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid; said assistant district attorney allowed in lieu of the assistant district attorney allowed by virtue of subdivision thirty-six of section twenty-five of an act entitled "An act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor shall receive one thousand five hundred dollars per annum for all work performed by the county, and in addition thereto all neces-

sary and actual traveling expenses incurred in connection with field work; provided, that whenever the surveyor is directed by the board of supervisors to plat, trace, or otherwise prepare maps, plats, or block books, for use of the county assessor, he shall be allowed only the actual cost of preparing the same; provided, further, that all fees now or which may be hereafter allowed by law, shall be paid into the county treasury for the benefit of the county.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, for all services required of them by law or by virtue of their office, must be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the court-house; provided, that only one mileage must be allowed at each term; and provided further, that no supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the board of supervisors, or for any other cause; provided, that in no case shall the per diem of the supervisors exceed eight hundred dollars each in one year.

16. In counties of this class the official reporter of each department of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for all preliminary examinations and other services rendered in court, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 164. In counties of the seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand five hundred dollars per annum.

2. The sheriff, three thousand six hundred dollars per annum. The sheriff shall also receive, for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

7. The assessor, two thousand two hundred dollars per annum.

8. The district attorney, three thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases payable monthly in the same manner as county officers are paid, viz.: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in

townships having a population of not less than two thousand nor more than three thousand, forty dollars per month; in townships having a population of not less than fifteen hundred nor more than two thousand, thirty dollars per month; in all townships having a population of less than fifteen hundred, fifteen dollars per month. Justices of the peace in counties of this class shall also receive, for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz.: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty dollars per month; in townships having a population of not less than fifteen hundred nor more than two thousand, thirty dollars per month; in all townships having a population of less than fifteen hundred, fifteen dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law, for mileage in criminal cases, and shall also receive such fees as are now or hereafter may be allowed by law in civil cases.

15. Each member of the board of supervisors, nine hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board, and fifteen cents a mile mileage in traveling to and from his residence to the county seat; provided, that no more than one mileage at any one term of the board shall be allowed.

16. The county clerk shall have one chief deputy at a salary of one thousand two hundred dollars per annum, two court-room deputies at a salary of nine hundred dollars per annum each; and deputies, or a deputy, for the purpose of register-

ing electors, and for other emergencies, to be paid not to exceed three dollars per diem each. The county recorder, one deputy at a salary of one thousand two hundred dollars per annum, and two deputies at a salary of nine hundred dollars per annum each. The treasurer, one deputy at a salary of one thousand five hundred dollars per annum. The assessor, one office deputy at a salary of one thousand two hundred dollars per annum, and fifteen deputies to serve from the first Monday in March to the first Monday in July of each year, and shall each receive four dollars per day for each day they actually and necessarily attend to the duties of the office. The district attorney, an assistant district attorney at a salary of fifteen hundred dollars per annum, and a deputy district attorney at a salary of nine hundred dollars per annum. The sheriff, an under sheriff, who shall receive a salary of one thousand five hundred dollars per annum; a clerk who shall receive a salary of nine hundred dollars per annum; a deputy sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs or courtroom deputies, each of whom shall receive a salary of nine hundred dollars per annum; two jailers who shall receive a salary of nine hundred dollars per annum each. All the deputies, assistants, and clerks herein mentioned shall be paid at the times and in the manner that their principals are paid, from and after the approval of this act.

17. This act so far as it relates to constables and justices of the peace in counties of the seventh class shall take effect immediately.

Sec. 165. In counties of the eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, seven thousand six hundred dollars per annum.

2. The sheriff, eight thousand dollars per annum.

3. The recorder, the fees now allowed by law pertaining to said recorder's office; provided, that all books of record, printing, and stationery, shall be furnished and paid for by the recorder out of his fees. The style and quality of the same to be approved by the board of supervisors.

4. The auditor, five thousand five hundred dollars per annum.

5. The treasurer, three thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum, which shall include all fees and percentage as license collector.

7. The assessor, four thousand dollars per annum, and such fees as are allowed by law.

8. The district attorney, five thousand dollars per annum.

9. The superintendent of public schools, twenty-five hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The coroner, such fees as are now or may be hereafter allowed by law.

12. The surveyor, two thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law.

13. Constables, such fees as are now or may be hereafter allowed by law; provided, however, that no constable shall be allowed in any one month out of the county treasury, more than seventy-five dollars in misdemeanor cases.

14. Justices of the peace, such fees as are now or may hereafter be allowed by law; provided, however, that no justice of the peace shall be allowed in any one month out of the county treasury, more than seventy-five dollars in misdemeanor cases.

15. Each member of the board of supervisors, five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law for services as road commissioners.

16. In counties of this class the official reporters of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and on all lunacy and preliminary examinations and coroner's inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the sal-

aries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 166. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of fifteen hundred dollars per annum, one at a salary of twelve hundred dollars, three deputies each at a salary of nine hundred and sixty dollars, and one at a salary of seven hundred and twenty dollars per annum.

2. The sheriff, six thousand dollars per annum, and all fees for service of process issued without his county. He shall have an under sheriff whose annual salary shall be fifteen hundred dollars, two deputies whose annual salary shall be twelve hundred dollars each, and four deputies whose annual salary shall be nine hundred dollars each.

3. The recorder, two thousand dollars per annum. He shall have one deputy whose salary shall be twelve hundred dollars per annum, and two deputies who shall each receive nine hundred and sixty dollars per annum. He shall have such copyists as are necessary to perform the duties of the office, at a compensation not to exceed six cents per folio.

4. The auditor, two thousand dollars per annum, and one clerk at a monthly salary of eighty dollars. The auditor shall also have one deputy, at an annual salary of twelve hundred dollars.

5. The treasurer, two thousand five hundred dollars per annum. He shall have a deputy at a salary of twelve hundred dollars per annum.

6. The tax collector, two thousand dollars per annum. He shall have one deputy, who shall receive twelve hundred dollars per annum, and

three deputies, each at an annual salary of nine hundred and sixty dollars.

7. The assessor, two thousand five hundred dollars per annum. He shall have one deputy at a salary of nine hundred and sixty dollars per annum, and six deputies whose per diem shall be four dollars each, when actually employed between the first Monday in March and the first Monday in June.

8. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars, and one deputy at a salary of twelve hundred dollars, per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars. The superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The surveyor, two thousand dollars per annum, and his actual expenses when at work in the field. He shall have one deputy at a salary of seventy-five dollars per month. The salary herein provided for surveyor shall not apply to the current term of office.

13. Justices of the peace, the fees allowed by law.

14. Constables, the fees allowed by law.

15. Each supervisor, six dollars per day when the board is necessarily in session, and twenty cents for each mile traveled by the ordinary route in going from his residence to the county seat, once during each meeting.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner each supervisor shall receive not to exceed five hundred dollars per annum, but for all services rendered by virtue of his office, including mileage, no supervisor shall be allowed more than fifteen hundred dollars in any one year.

16. The official reporters of the superior court, in counties of this class, shall receive as full

compensation for taking notes, when his services are demanded in civil cases, and in all criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury, in the same manner as salaries of county officers are paid. For transcription of said notes, when required, he shall receive ten cents per folio for the original, and five cents per folio for a copy. The compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings, to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both parties, as the court may direct. When the services of the reporter are demanded in any civil matter, the clerk shall collect, each day, in advance, five dollars from the party demanding the same, and shall pay the same into the county treasury on the first Monday of each month.

Sec. 167. Counties of the tenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making great register.

2. The sheriff, five thousand three hundred dollars per annum and all commissions, fees, and mileage, for the service of papers or process coming from courts other than those of his own county.

3. The recorder, fifteen hundred dollars per annum; six cents per folio for recording.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, three thousand two hundred dollars per annum; provided, however, that in counties of this class, the tax collector shall receive no fees or commissions for the collection of licenses.

7. The assessor, five thousand five hundred dollars per annum; provided, however, that the per-

centage received by the assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

8. The district attorney, three thousand dollars per annum; provided, that this salary shall include the compensation of an assistant, or of deputies, if any.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools for full services, including attendance on the county board of education, one thousand five hundred dollars and actual traveling expenses.

12. The surveyor, one thousand five hundred dollars per annum, and in addition thereto, all necessary expenses, and transportation on work performed in the field.

13. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of six thousand and over, one hundred dollars per month.

In townships having a population of two thousand four hundred, and less than six thousand, seventy-five dollars per month.

In townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars per month.

In townships having a population of one thousand five hundred, and less than two thousand, fifty-five dollars per month.

In townships having a population of one thousand, and less than one thousand five hundred, forty dollars per month.

In townships having a population of eight hundred, and less than one thousand, twenty dollars per month.

In townships having a population of five hun-

dred, and less than eight hundred, fifteen dollars per month.

In townships having a population less than five hundred, ten dollars per month.

In addition to above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

14. Constables. The following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of five thousand and more, one hundred dollars per month; in townships having a population of fifteen hundred and less than five thousand, sixty dollars per month; in townships having a population of one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of eight hundred and less than one thousand, thirty dollars per month; in townships having a population of five hundred and less than eight hundred, fifteen dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

The population of townships shall, for the purpose of this section, be determined by multiplying the vote for governor, cast in each township, at the next preceding election, by five.

15. The supervisors, each the sum of six hundred dollars per annum, and twenty cents per mile one way for attending session of the board; provided, that he shall not receive in any one year more than five hundred dollars for said mileage. Each supervisor shall receive for his services as road commissioner, twenty cents per mile one way for all distances actually traveled by him in the performance of his duties; provided, that he shall not receive in any one year more than five hundred dollars.

16. The official reporter of each department of the superior court shall receive, as full compensation for taking notes in civil and criminal cases

tried in said courts, and when requested by a justice of the peace or coroner, in preliminary examinations, or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; and for transcription of said notes, when required, they shall receive the sum of ten cents per folio for the original and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. All portions of this section referring to the salaries of surveyor, justices of the peace, constables, and mileage of supervisors, shall take effect and be in full force from and after the passage of this act.

Sec. 168. In counties of the eleventh class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.

2. The sheriff, five thousand dollars per annum.

3. The recorder, two thousand four hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees collected shall amount to more than four hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of four hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of four thousand dollars in any one year.

4. The auditor, one thousand two hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, two thousand eight hundred dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand dollars per annum; provided, that when authorized by four-fifths vote of the board of supervisors, the district attorney shall appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services, fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner as other county officials are paid, except as otherwise herein provided.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum.

12. The surveyor, fifteen hundred dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors each the sum of six hundred dollars per annum, and actual mileage, not to exceed in any one year the sum of one hundred dollars. Each supervisor shall receive for his services as road commissioner, twenty cents per mile one way, for all distances actually traveled by him in the performance of his duties; provided, that he shall not receive in any one year more than five hundred dollars. This act, as far as it relates to the compensation of supervisors as road commissioners, shall take effect immediately after the passage of this act.

16. In counties of the eleventh class the official reporter of the superior court shall receive for attending court, taking notes, and reporting cases tried therein, a salary of one hundred and eighty

dollars per month, payable at the same time and in the same manner as the salary of other county officers, and for transcription of notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for copies; the compensation for transcription in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct.

This act, so far as it relates to the salaries of county and township officers in the counties of the eleventh class, shall take effect on the first day of January, eighteen hundred and ninety-nine.

Provided, also, that this act, so far as it relates to the reporter of the superior court in counties of the eleventh class, shall take effect immediately.

Sec. 169. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, three thousand dollars per annum, and when a great register of voters is ordered he shall receive five hundred dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the services of all papers, whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

3. The recorder twenty-two hundred and fifty dollars per annum.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, five hundred dollars per annum.

11. The superintendent of schools, fifteen hundred dollars per annum, and his actual necessary traveling expenses while visiting schools.

12. The surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars: in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, viz: In townships having a population of two

thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

For the purposes of this act the basis of calculation for fixing the compensation of the justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; provided, however, that whenever the census of any township or townships shall have been taken under the provisions of this act, said census may become the basis of calculation.

15. Each member of the board of supervisors, six hundred dollars for all services rendered, and including mileage; provided, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses.

16. The official court reporter, for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required, seven cents per folio for original and four cents per folio for copies, to be paid for when completed, by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court, when the judge orders the notes transcribed, the same shall be paid from the county treasury on the order of the

court. When the services of the reporter are demanded in any civil matter the clerk shall collect, each day in advance, two dollars and fifty cents from each side of the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceeding in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in such cases.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; provided, that mileage be not allowed for more than two meetings in any one month.

Sec. 170. In counties of the thirteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.

2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

3. The recorder, one thousand six hundred fifty dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid by the county treasurer out of the county treasury.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum; provided, that as such tax collector, or as ex officio license collector, he shall not have or receive any compensation for, or percentage upon, the collection of any license.

7. The assessor, three thousand six hundred dollars per annum.

8. The district attorney, three thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. The justice of the peace, such fees as are now or may hereafter be allowed by law; provided, that the fees and compensation of any justice of the peace in criminal cases or proceedings to which the people of the state of California are or may be made a party shall not exceed nine hundred forty dollars for any one year.

14. Constables, such fees as are now or may be hereafter allowed by law; provided, that the fees and compensation of any constable in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed nine hundred dollars for any one year.

15. Each supervisor, one thousand dollars per annum, for all services performed by them as supervisors, and members of the board of equalization, and as road commissioner.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Whenever the services of a reporter are demanded in a civil action or proceeding, he shall collect in advance from the parties thereto, and pay into the county treasury, the sum of five dollars for each day's services in taking notes.

No fees shall be allowed the sheriff or tax col-

lector for collecting licenses in counties of this class.

This section shall take effect immediately.

Sec. 171. In counties of the fourteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand dollars per annum.

4. The auditor, one thousand two hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, not to exceed the sum of eighty dollars per month.

15. Each member of the board of supervisors, ten dollars per day, not exceeding six working days each month, at any regular session, and ten dollars per day while sitting as a board of equalization, or in special sessions, not to exceed fifteen working days in any one year, and mileage when acting as road commissioner, twenty-five cents per mile, one way; provided, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

This section shall take effect and be in force on and after January first, eighteen hundred and ninety-nine.

Sec. 172. In counties of the fifteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum.
3. The recorder, two thousand dollars per annum.
4. The auditor, twelve hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, eighteen hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum; no deputies.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, fees as are now or may hereafter be allowed by law.
14. Constables, fees as are now or may hereafter be allowed by law.
15. Each member of the board of supervisors, six hundred dollars per annum, which shall be in full for all services rendered, including mileage.
16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a monthly salary of eighty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he

shall receive the sum of six cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay for all deputies and copyists that may be needed in their respective offices whenever the same are allowed.

Sec. 173. In counties of the sixteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, thirty-two hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, twenty-five hundred dollars per annum.
6. The tax collector, six hundred and fifty dollars per annum.
7. The assessor, fifty-five hundred dollars per annum.
8. The district attorney, twenty-five hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, four hundred dollars per annum.
11. The superintendent of schools, two thousand dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat, which shall

be full compensation for all services as supervisor and road overseer; provided, that no more than one mileage at any one term of the board shall be allowed, and that one-fourth of the annual salary shall be paid at the close of each quarterly session of the board.

16. In counties of this class, the official reporter of the superior court, such fees as are now or may be hereafter allowed by law.

Sec. 174. In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum.

3. The recorder, sixteen hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector and license collector, two thousand dollars per annum, which shall be in full for all services as tax and license collector.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, five hundred dollars per annum and ten cents per mile mileage in traveling to and from his residence to the county seat, and for his services as road

commissioner he shall receive twenty cents pe
mile, one way, for all distances actually travele
by him in the performance of his duties; provided
he shall not in any one year receive more than si
hundred dollars as such road commissioner. Thi
act, as far as it relates to the compensation o
supervisors as road commissioners, shall take ef
fect immediately after the passage of this act.

16. In counties of this class the official reporte
of the superior court shall receive, as full compen
sation for taking notes in civil and criminal case
tried in said court, and for preliminary examina
tions in justices' courts, a monthly salary of sixt
dollars, payable out of the county treasury at th
same time and in the same manner as the salarie
of county officers; and for transcription of sai
notes, when required, he shall receive the sum o
ten cents per folio for the original and five cent
per folio for a copy; said compensation for tra
scription in criminal cases to be audited and a
lowed by the board of supervisors as other claim
against the county, and paid out of the count
treasury, and in civil cases to be paid by the part
ordering the same, when ordered by the judg
by either party, or jointly by both parties, as th
court may direct.

Sec. 175. In counties of the eighteenth clas
the county officers shall receive, as compensatio
for the services required of them by law or by vi
tue of their offices, the following salaries, to wi

1. The county clerk, three thousand dollars p
annum.

2. The sheriff, thirty-five hundred dollars p
annum. The sheriff shall also receive, in all ci
cases, for his own use and benefit, the fees, co
missions and mileage, which are now or whi
may hereafter be allowed by law, and the fees,
commissions for the service of all papers wh
soever issued by any court of the state outside
his county.

3. The recorder, twenty-nine hundred doll
per annum.

4. The auditor, twelve hundred dollars per
num.

5. The treasurer, eighteen hundred dollars
annum.

6. The tax collector, fifteen hundred dollars

annum and five per cent. on all licenses collected by him as license collector.

7. The assessor, twenty-five hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. The supervisors, each the sum of five dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

Sec. 176. In counties of the nineteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.

2. The sheriff five thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand eight hundred dollars per annum, and one clerk at a salary not to exceed fifty dollars per month.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, fifteen hundred dollar per annum.

9. The coroner, such fees as are now or ma; be hereafter allowed by law.

10. The public administrator, such fees as ar now or may be hereafter allowed by law.

11. The superintendent of schools, one thou sand five hundred dollars per annum, and actua traveling expenses when visiting the schools o his county.

12. The surveyor shall receive one thousan five hundred dollars per annum for all work pe formed for the county, and in addition theret actual traveling and other necessary expenses i curred in connection with field work; provide that whenever the surveyor is directed by the a sessor to plat, trace or otherwise prepare map plats or block book for the use of the county a sessor, he shall be allowed only the actual cost c preparing the same.

13. Justices of the peace, such fees as are no or may be hereafter allowed by law.

14. Constables, such fees as are now or ma be hereafter allowed by law.

15. Each supervisor, five hundred dollars p annum, and ten cents per mile for traveling fro his residence to the county seat; provided, th not more than one mileage for one session of t board shall be allowed. For serving as road con missioner, two hundred dollars per annum.

Sec. 177. In counties of the twentieth cla the county officers shall receive, as compensatio for the services required of them by law by virtu of their office, the following salaries, to wit:

1. The county clerk, three thousand two hu dred and fifty dollars per annum.

2. The sheriff, six thousand dollars per annu

3. The recorder, two thousand two hundr and fifty dollars per annum.

4. The auditor, one thousand dollars per a num.

5. The treasurer, two thousand dollars per a num.

6. The tax collector, one thousand dollars p annum.

7. The assessor, four thousand two hundr and fifty dollars per annum.

8. The district attorney, two thousand two hundred and fifty dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. Superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses, not to exceed three hundred dollars per annum.

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and, in addition thereto, all necessary expenses and transportation on work performed in the field.

13. The justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law; provided, that the amount allowed by the board of supervisors for services in criminal actions or proceedings other than felonies, shall not exceed seventy-five dollars for any one quarter.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling to and from the county seat; provided, mileage shall not be allowed more than once a month.

16. In counties of this class, the official reporter shall receive a salary of one hundred and fifty dollars per month, payable monthly, and in the same manner and at the same time as other county officers are paid, which salary shall be in full compensation for all services, both per diem and transcription, required of him in the superior court and in the justices' courts of the county in examinations, and before the coroner in homicide cases. It shall be his duty to attend all examinations in the justice's court, and before the coroner in homicide cases when not engaged in the superior court. He shall collect and monthly pay into the county treasury ten dollars per day for taking notes, and fifteen cents per folio for transcriptions in civil cases. He shall receive his actual traveling expenses while attending justice's court and before the coroner. This subdivision shall take effect immediately.

Sec. 178. In counties of the twenty-first class county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand two hundred dollars per annum; provided, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of five hundred dollars for such service.

2. The sheriff, forty-three hundred dollars per annum, and all commissions, fees, and mileage for the services of papers of process coming from courts other than those of his own county.

3. The recorder, twelve hundred dollars per annum, and five cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid out of the county treasury, and which payments shall be in full for all services, including the recording of mining claims.

4. The auditor, two thousand two hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-five hundred dollars per annum.

7. The assessor, thirty-eight hundred dollars per annum, which shall be in full for all work in his office, and for his field deputies.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum, including services of board of education. His office shall be kept open on all business days from two to five p. m. He shall be allowed his actual traveling expenses when visiting the schools of his county.

12. The surveyor, fifteen hundred dollars per annum, and his actual traveling expenses when in the field. He shall receive eight dollars per day when engaged in official work other than county business.

13. Justices of the peace shall receive the fo

lowing monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars a month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; provided further, that in addition to the salary herein allowed, each con-

stable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

14½. The population of the several judicial townships shall be ascertained by the board of supervisors by multiplying the vote of presidential electors cast in each township at the next preceding general election by five.

15. Each supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; provided, that not more than four mileages shall be allowed in any one month. When serving as road commissioner, such fees as are now or may be hereafter allowed by law.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of eighty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for copies of transcriptions of said notes, when required, he shall receive the sum of five cents per folio for the original, and five cents per folio for each copy. Said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

All portions of this section referring to the salaries of recorder, surveyor, justices of the peace constables, court reporter, and mileage of supervisors, shall take effect and be in full force from and after the passage of this act.

Sec. 179. In counties of the twenty-second

class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand five hundred dollars per annum; provided, that in counties of this class, there shall be and is hereby allowed to the county clerk, a courtroom deputy, who shall be appointed by the county clerk, and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund, as the salary of the county clerk is paid.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand eight hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, for a period of four months during each fiscal year, who shall be appointed by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and he shall be paid the following salary, to wit: fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law; provided, that constables of townships containing five thousand inhabitants or more, shall be allowed as additional compensation a salary of fifty dollars per month, payable at the same time and in the same manner as the salaries of other county officials are paid.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 180. In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county when ordered by board of supervisors.

2. The sheriff, five thousand dollars per annum, and the fees, mileage or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for service of papers issued out of any civil case in his own county.

3. The recorder, two thousand dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, thirty-two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum, and actual traveling expenses when visiting the schools in the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. For the purpose of regulating the compensation of constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of eighteen hundred and ninety, as follows:

Townships having a population of five thousand or more, shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand, shall belong to and be known as townships of the third class; and townships having a population of less than one thousand, shall belong to and be known as townships of the fourth class.

Constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which

shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

The provisions of this subdivision so far as townships of the first and second classes are concerned, shall take effect and be in force sixty days from and after the passage of this act, and so far as townships of the third and fourth classes are concerned, shall take effect and be in force from and after the first day of January, eighteen hundred and ninety-nine.

15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile in going only, for traveling from his residence to the county seat; and when serving as road commissioner, five dollars per day and actual traveling expenses. But he shall not in any one year receive more than three hundred dollars as supervisor, exclusive of mileage, or more than two hundred dollars as road commissioner, exclusive of actual traveling expenses.

Sec. 181. In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is ordered, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand two hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, twenty-three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor shall receive as compensation eight dollars per day for all personal work performed for the county, and in addition thereto all necessary expenses and transportation on work performed in the field.

13. Justices of the peace, the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of two thousand five hundred and more, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars; in townships having a population of one thousand and less than one thousand five hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one justice, the compensation allowed herein shall be equally divided between

them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred or more, seventy dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in such township.

14½. The supervisors of counties of this class shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this act, in proportion to their duties.

15. Each supervisor, five hundred dollars per annum and thirty cents per mile for traveling from his residence to the county seat.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney in preliminary examinations and inquests, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents

per folio for a copy; said compensation for transcription in criminal cases, preliminary examinations, and inquests, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge by either party, or jointly by both parties, as the court may direct.

Sec. 182. In counties of the twenty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum.

2. The sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his own county.

3. The recorder, sixteen hundred dollars per annum and seven cents for each folio recorded.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum; provided, that he shall be disqualified from engaging in any cause or action to which the county or state is not a party.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, which shall include his services as member of the board of education.

12. The surveyor shall receive twelve hundred dollars per annum and traveling and official expenses in the county.

13. In counties of this class the township officers shall receive the following compensations, to

wit: In townships having a population of fou thousand, justices of the peace shall receive monthly salary of one hundred and twenty-fiv dollars, and constables a monthly salary of on hundred and twenty-five dollars; the above-name salaries shall be in full compensation for all se vices of said justices of the peace in both civil an criminal cases, and all fees allowed by law fo the services of such officers in civil cases sha be paid into the county treasury as the fees c county officers are paid in, but constables may re tain for their own use the fees allowed by law i civil cases. In townships having a population o nine hundred and less than four thousand, eac justice of the peace and each constable shall re ceive such fees as are now or may hereafter be a lowed by law, not exceeding in any one mont the sum of one hundred dollars in criminal case In townships containing a population of less tha nine hundred, each justice of the peace and eac constable shall receive the fees that are now o may hereafter be allowed by law, not exceedin in any one month the sum of forty dollars i criminal cases. The supervisors of counties o this class shall ascertain and determine, on o before the first day of June, eighteen hundred an ninety-seven, the population of the several town ships in the county.

14. Each supervisor, six dollars per day whi in the service of the county, and thirty cents pe mile for traveling from his residence to th county seat.

Sec. 183. In counties of the twenty-sixth cla the county officers shall receive, as compensatio for the services required of them by law or b virtue of their offices, the following salaries, wit:

1. The county clerk, thirty-two hundred an fifty dollars per annum.

2. The sheriff, five thousand dollars per annu and such mileage as is now allowed by law; al for expenses in all criminal cases and all fees service of papers in actions arising outside of county.

3. The recorder, thirty-two hundred and fi dollars per annum.

4. The auditor, eighteen hundred dollars annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, eighteen hundred dollars per annum.

7. The assessor, thirty-two hundred and fifty dollars per annum.

8. The district attorney, twenty-five hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables of townships numbers one, two, eight and ten, forty dollars per month, their actual traveling expenses, half the fees in criminal cases and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of townships number five, twenty-five dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of townships numbers three, four, six and nine, twenty dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of township number seven, ten dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases; provided, however, that no constable shall be allowed in any one month, out of the county treasury, more than fifty dollars in misdemeanor cases.

15. Each member of the board of supervisors, three hundred dollars per annum; and as road commissioner, three hundred dollars per annum.

16. The compensation herein provided for constables shall take effect immediately and affect incumbents.

Sec. 184. In counties of the twenty-seventh class the county officers shall receive, as compensation for services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, thirteen hundred dollars per annum; provided, that in counties of this class there shall be two deputy county clerks, who shall be appointed by the county clerk. The salary of one of said deputy county clerks shall be seven hundred and twenty dollars per annum, and the salary of the other of said deputy county clerks shall be five hundred and forty dollars per annum; said salaries of said deputy county clerks to be payable at the same time and in the same manner and out of the same fund as the salary of the county clerk.

2. The sheriff, three thousand nine hundred dollars per annum.

3. The recorder, twenty-five hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum; provided, that when the duties of the office of treasurer and tax collector are consolidated, as provided in section fifty-five of this act that the full compensation of said office of treasurer and tax collector for such consolidated duties shall be twenty-five hundred dollars per annum.

7. The assessor, fifteen hundred dollars per annum; provided. that in counties of this class there shall be five field deputy assessors, who shall be appointed by the assessors of said county, and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of each of said five deputy assessors herein provided for, is hereby fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the assessor.

8. The district attorney, fifteen hundred dollars per annum. No assistant district attorney shall be appointed in counties of the twenty-seventh class.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The surveyor, eight dollars per day while actually employed by the county.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, four hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board; provided, that not more than four mileages in any one month shall be allowed.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes, when his services are demanded, in civil cases, and in all criminal cases and matters tried or heard in said court, and when requested by the district attorney, for preliminary examinations in justice's court, and inquests, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers, and for transcription of said notes when required, he shall receive not to exceed the sum of ten cents per folio for the original, and not to exceed five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

It is further provided that in each civil case reported by the official reporter there shall be taxed as costs in the case seven dollars and fifty cents

per diem for each day of the trial thereof. Such per diem fee shall be paid to the clerk of the court in advance by the party requesting the service of the reporter, and where his services are requested by more than one party, then such fees shall be paid in equal proportions by each of said parties. All per diem fees so collected shall be paid by said clerk into the treasury of the county in which the case is tried.

Sec. 185. In counties of the twenty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-four hundred dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, eighteen hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twenty-four hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; provided, he shall devote his entire time to the duties of said office.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors five hundred dollars per annum, and mileage a

the rate of twenty cents per mile from his home to and from the county seat.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 186. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, eighteen hundred dollars per annum.

2. The sheriff fifty-one hundred (5,100) dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector.

3. The recorder, twenty-eight hundred dollars per annum, in full of all services, including filing or recording mining location notices.

4. The auditor, twelve hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twelve hundred dollars per annum, and he is hereby allowed in addition thereto five deputies, to be appointed by him, who shall

each receive five dollars per day for not exceeding three months in any calendar year, while engaged in the performance of their duties.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work for the county in which the county employs a surveyor or civil engineer; and provided further, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

13. In counties of this class justices of the peace may, for their own use, collect the following fees, and no other:

Each justice of the peace shall be allowed, in a civil action before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession for all services, including execution and satisfaction of judgment, three dollars.

For all services in a criminal action or proceeding whether on examination or trial, four dollars.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a cer

tificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order or paper required by law to be issued, not otherwise provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

M. In counties of this class, constables shall receive:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writ and other papers, except summons, complaint and subpoenas, per folio, ten cents; provided, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale fifty cents.

For executing and delivering constable's deed one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile twenty-five cents.

For traveling outside of his township to serve such writ, order or paper, in going only, twenty five cents; provided, that a constable shall not be required to travel outside of his township to serve any civil process, order or paper. No constructive mileage allowed.

For conveying prisoners to county jail, traveling expenses.

For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, ten cents.

For each day's attendance in court in civil and criminal cases, three dollars per day.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, two dollars.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of such transportation.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

County officers must, and township officers may, demand the payment of all fees in civil cases in advance.

In counties of this class justices of the peace and constables shall be entitled to collect and receive the fees provided in this section, from and after the passage of this act.

15. Each member of the board of supervisors, five hundred dollars per annum and ten cents per mile in going from residence to the county seat.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 187. In counties of the thirtieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand seven hundred dollars per annum.

2. The sheriff, four thousand dollars per annum. Also, the following fees, to be audited and

paid as other county charges: For serving warrant of arrest, two dollars; for every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or to jail, the actual cost of transportation.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; provided, that such traveling expenses shall be allowed and paid as other county charges and shall not exceed ten dollars per district for the districts actually visited in any calendar year.

12. The county surveyor shall receive one thousand eight hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work.

13. Justices of the peace, fees as follows: In a civil action before him, for all services to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and twenty-five cents for each hour after the first six hours actually engaged in such trial; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For copies of papers on docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For certificate, and transmitting transcript and papers on appeal, two dollars.

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name. twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; and twenty-five cents for each hour after the first six hours actually engaged in the trial or hearing of such action or proceeding.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For taking bail after commitment by another magistrate, fifty cents.

For all service connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all service rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fee as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ or order, or paper required by law to be issued not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for. twenty-five cents.

For taking and approving bonds or undertaking, included the justification of sureties, fifty cents; provided, that no justice of the peace, in counties of this class, shall receive, in any one month, more than seventy-five dollars in misde-

meanor criminal cases; provided further, tha each justice of the peace shall file with the count auditor on or before the first Monday in eac month a statement of all fines collected by hin the preceding month, and shall pay into th county treasury the amount due the county on ac count of such fines. No claim of a justice of th peace shall be allowed by the board of super visors for any month until such statement an payment are made.

14. Constables, fees as follows: For servin summons and complaint, for each defendan served, fifty cents.

For each copy of summons for service, whe made by him, twenty-five cents.

For levying writ of attachment or execution, o executing order of arrest, or for the delivery o personal property, one dollar and fifty cents.

For serving writ of attachment or execution o any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as th court may order; but no more than two dollars pe day shall be allowed for a keeper, when necessa rily employed.

For taking bond or undertaking, fifty cents.

For copies of writs or other papers, except sum mons, complaint, and subpoenas, per folio, fiftee cents; provided, that when correct copies are fu nished him for use, five cents per folio may b charged by him.

For serving any writ, notice, or order, exce summons, complaint, or subpœnas, for each pe son served, fifty cents.

For advertising property for sale on executio or under any judgment or order of sale, exclusiv of the cost of publication, one dollar.

For serving subpœnas, each witness, includin copy, twenty-five cents.

For collecting money on execution, one and on half per cent.

For executing and delivering certificate of sal fifty cents.

For executing and delivering Constable's dee two dollars.

For each mile actually and necessarily travel within his township in the service of any wri order, or paper, except a warrant of arrest,

going only, twenty cents per mile. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents, provided that in traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going and returning from place of arrest, ten cents; provided, that for traveling in the performance of two or more official service at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner, except on a charge of vagrancy, and bringing him into court, two dollars.

For arresting a person on a charge of vagrancy, and bringing him into court, twenty-five cents.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of transporting such prisoners, and mileage at fifteen cents per mile in going only; provided, that in traveling to the county jail with two or more prisoners, but one mileage shall be charged.

For making sales of estrays in civil cases, the same fees as for sales on execution.

For commissions for receiving and paying over money on execution or other process when lands or personal property have been levied on and sold, on the first thousand dollars, one and one-half per cent. On all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an

execution, and for advertising, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants, three dollars.

For attending court, twenty-five cents for each hour in excess of ten hours actually engaged in attending the trial of the case or upon the examination of a criminal charge before a magistrate.

Provided, that in counties of this class no constable shall receive, in any one month, more than one hundred dollars for all services in misdemeanor criminal cases.

15. Each Supervisor, six dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat. For services as road commissioner, four dollars per day, not to exceed one hundred and fifty dollars per annum.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said county, and for taking notes of the proceedings and testimony at all Coroner's inquests in the county and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required, by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and Coroner's inquests and examinations of persons charged with being of unsound mind to be audited and allowed by the Board of Supervisors, as other

claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the Board of Supervisors as are other county charges.

Sec. 188. In counties of the thirty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum, and a deputy at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury; provided, that no fees or compensation other than the compensation provided for in this section be allowed the Sheriff or Tax Collector for the collection of licenses in counties of this class.

7. The Assessor, two thousand dollars per annum, and two deputies at a salary of five dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

8. The District Attorney, one thousand four hundred dollars per annum, and twenty-five dollars for every conviction in any court, not exceeding five hundred dollars in any one year.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thou-

sand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, six hundred dollars and twenty cents per mile traveling to county seat which shall be in full compensation for all services, both as Supervisor and Road Commissioner; provided, that in case the said Supervisors shall not serve as road commissioners, then the salary for Supervisor shall be four hundred dollars per annum.

Sec. 189. In counties of the thirty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, four thousand two hundred and fifty dollars per annum; provided, the Sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; and provided further, that the Sheriff shall also receive, for his own use and benefit, the mileage, fees, and commission for all service of all papers whatsoever issued by any court of the State outside of his county.

3. The Recorder, one thousand eight hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum; provided, as License Collector, he shall in addition, be entitled to receive and retain for his own use and benefit, ten per centum on all licenses collected by him.

7. The Assessor, one thousand eight hundred

dollars per annum, and one deputy at not to exceed five dollars per day, for not more than one hundred and twenty-five days in any year, to be paid out of the county treasury.

8. The District Attorney, one thousand eight hundred dollars per annum; provided, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. And if the Board of Supervisors provide that he shall not engage in teaching, then he shall receive one thousand two hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

12. The Surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

16. In counties of this class the official reporter of the Superior Court shall receive for his services in taking notes in civil and criminal cases tried in said courts and in examinations for committal to the asylum for the insane, such fees as may be allowed by the court. The official reporter for services in taking notes in inquests before the Coroner and examinations before magistrates,

such fees as may be allowed by the Board of Supervisors. For transcription of notes, in either of the above cases, when required, the official reporter shall receive not exceeding ten cents per folio for the original and not exceeding five cents per folio for a copy. Said compensation for taking notes and transcribing the same in criminal cases and in cases in which the county may be a party, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party to an action or proceeding, when and in such proportion as the court may direct. Fees for transcription of notes in cases or proceedings in the Superior Court shall be fixed by the court, and for transcription of notes in inquests before the Coroner, or examinations before magistrates, shall be fixed by the Board of Supervisors.

The provisions of this section shall take effect immediately, except as to subdivision three thereof, which subdivision shall take effect on the first Monday after the first day of January, eighteen hundred and ninety-nine.

Sec. 190. In counties of the thirty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand dollars per annum.

2. The Sheriff, four thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as License Collector.

7. The Assessor, four thousand dollars per annum.

8. The District Attorney, one thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, four hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

Sec. 191. In counties of the thirty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand seven hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The Recorder, one thousand six hundred dollars per annum; provided, that such Recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the Recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred and fifty dollars in any month so collected. But the amount of fees thus received by the Recorder for his own use, plus his salary, shall not exceed the sum of two thousand two hundred dollars in any one year.

4. The Auditor, sixteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand eight hundred dollars per annum; provided, that the Assessor shall annually revise the plats of his office and prepare the military roll at his own cost and expense. All portions of this section referring to the revision of the Assessor's plats and to preparing the military roll shall take effect from and after the passage of this Act.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools; one thousand two hundred dollars per annum, including services on the Board of Education. He shall be allowed his actual traveling expenses when visiting the schools of his county, which expenses shall not exceed the sum of five hundred dollars in any one year. In the event that said superintendent of schools shall appoint a deputy, or commissioner of schools, the same shall be at his own cost and expense.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, each the sum of six hundred dollars per annum for all services performed by them as Supervisors, and members of the board of equalization and road commissioners, including mileage; provided, that each Supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning once during each meeting. Each Supervisor shall be allowed his actual expenses while supervising the roads of his district, not exceeding ten dollars in any one month. This Act, so far as it relates to the compensation of Supervisors, and to their compensation as road commissioners in counties of the thirty-fourth class shall take effect immediately after its passage.

16. The official reporter of the Superior Court

in counties of the thirty-fourth class, shall receive as full compensation for taking notes when his services are demanded in civil cases, and in criminal cases tried in said court, and when requested by a Justice of the Peace, Coroner, or District Attorney in preliminary examinations, or inquests, a salary of one thousand five hundred dollars per annum, payable in equal monthly installments, out of the county treasury at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

When the services of the reporter are demanded in any civil matter, there shall be taxed as costs in the case eight dollars per diem for each day of the trial thereof, to be paid to the clerk of the court in advance, one-half by each side; for transcription of said notes in criminal cases and in civil cases, when required, said reporter shall receive not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy. Where the reporter is required to transcribe the whole or any part of the testimony during the taking of testimony in the Superior Court, he shall be entitled to receive and retain for his own use, not to exceed fifteen cents per folio for the original, and seven and one-half cents per folio for each copy. Said compensation to be paid for, in civil cases, by the party ordering the same, and in criminal cases, together with said traveling expenses, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury. Per diem fees so collected by the clerk shall be paid into the county treasury on the first Monday of each month.

This act, so far as it relates to the service and compensation of said official reporter, shall take effect immediately after its passage.

Sec. 192. In counties of the thirty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand five hundred dol-

lars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled, in going only.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum.

7. The Assessor, four thousand dollars per annum.

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; provided that when a Supervisor is also road commissioner he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner, his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

Sec. 193. In counties of the thirty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-two hundred dollars per annum.

2. The Sheriff, forty-five hundred dollars per annum.

3. The Recorder, eighteen hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, fifteen hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum, and five per cent on all licenses collected by him as License Collector.

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, six dollars per day when the board is in session, and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat once each session. Per services as road commissioner, three dollars per day while engaged as such commissioner; provided, however, the amount so allowed as such commissioner shall not exceed three hundred dollars in any one year.

Sec. 194. In counties of the thirty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum, which shall be in full for all services as Tax Collector and as License Collector.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, the fees which now are or hereafter may be allowed by law.

14. Constables, the fees which now are or hereafter may be allowed by law.

15. Each member of the Board of Supervisors five hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board and when serving as road commissioner, three dollars per day, and twenty cents per mile one way, for all actual distances traveled by him in the performance of his duties as such commissioner.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said

compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 195. In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, four thousand five hundred dollars per annum.

3. The Recorder, one thousand six hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand six hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court when ordered to be there by the Justice or Recorder; provided, that no Constable shall receive more than three dollars for any one day's attendance on any court.

15. Each Supervisor, five dollars per day wh
the board is in session, not exceeding five hu
dred dollars per annum, and ten cents per m
for traveling to and from his residence to t
county seat at each session.

16. The compensation herein provided for C
stables shall take effect immediately and aff
incumbents.

Sec. 196. In counties of the thirty-ninth cl
the county officers shall receive, as compensati
for the services required of them by law or
virtue of their offices, the following salaries,
wit:

1. The County Clerk, two thousand four h
dred dollars per annum.

2. The Sheriff, four thousand dollars per
num, and the fees or commissions for the serv
of all papers issued by any court of the State
side of his county. Also his actual traveling
penses in the execution of a warrant outside
his county issued by a magistrate or court of
county.

3. The Recorder, eighteen hundred dollars
annum.

4. The Auditor, one thousand eight hund
dollars per annum.

5. The Treasurer, one thousand six hund
dollars per annum.

6. The Tax Collector, one thousand two h
dred dollars per annum.

7. The Assessor, three thousand dollars per
num.

8. The District Attorney, two thousand dol
per annum.

9. The Coroner, such fees as are now or
be hereafter allowed by law.

10. The Public Administrator, such fees as
now or may be hereafter allowed by law.

11. The Superintendent of Schools, one t
sand six hundred dollars per annum, and ac
traveling expenses when visiting the school
his county.

12. The Surveyor, fifteen hundred dollars
annum, which shall be in full for all services
quired of him by the Superior Court or the B
of Supervisors, and as ex officio County Rec
er; provided. that he shall be entitled to rec

from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or Board of Supervisors; for all other services, the fees allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; provided, that the fees for services rendered in criminal cases, and which are chargeable against the county, shall not exceed in the aggregate for any one month sixty dollars; provided, that this provision shall not affect their right to collect fees for services rendered as Coroner, when acting as such.

14. Constables, such fees as are now or may hereafter be allowed by law; provided, that the fees for services rendered in criminal cases, and which are chargeable against the county, shall not exceed in the aggregate for any one month sixty dollars; provided, also, that he shall be paid by the county his actual and necessary expenses incurred in conveying prisoners to the county jail; provided further, that he be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county, not to exceed in the aggregate a sum equal to ten cents per mile necessarily traveled outside of his county in the execution of such warrant. The items of expense herein provided which may be allowed Constables shall not be charged to him in making up the maximum fees which he may collect from the county in criminal proceedings.

15. Each Supervisor, six dollars per day, while attending sessions of the board, and while engaged in the performance of the duties of road commissioners, and mileage at the rate of twenty cents per mile, for traveling from residence to county seat in attendance upon a regular session of the board.

16. The official reporter, such fees as are now provided by law.

17. This act, so far as it relates to counties of the thirty-ninth class, shall take effect immediately as to the offices of Surveyor, Justices of the Peace, and Constables, but shall not affect the compensation of other officers during their present term of office.

Sec. 197. In counties of the fortieth class the

county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twenty-four hundred dollars per annum.

2. The Sheriff, thirty-five hundred dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum, and ten per cent of all licenses collected by him.

7. The Assessor, twenty-six hundred dollars per annum.

8. The District Attorney, fourteen hundred dollars per annum.

9. The Coroner, five hundred dollars per annum.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, nine hundred dollars per annum, and actual traveling expenses while visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law; provided, that Constables of townships containing three thousand inhabitants, or more, shall be allowed as additional compensation a salary of thirty dollars per month, payable at the same time and in the same manner as the salaries of other county officers are paid.

15. Each member of the Board of Supervisors, seven dollars per diem when the board is in session, and twenty-five cents per mile for traveling to and from his residence to the county seat, but he shall not in any one year receive more than five hundred dollars as Supervisor.

16. In counties of this class the official reporter of the Superior Court shall receive, as full com-

pensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 198. In counties of the forty-first class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand two hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those in his own county.

3. The Recorder, one thousand six hundred dollars per annum; provided, that such Recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees collected shall exceed two hundred dollars in any month, the Recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the Recorder for his own use, plus his salary, shall not exceed the sum of two thousand dollars in any one year.

4. The Auditor, one thousand six hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand six hundred dol-

lars per annum; provided, that the Assessor sh
annually revise the plats in his office, and prep
the military roll at his own cost and expense.

All portions of this section referring to the
vision of the Assessor's plats, and to prepar
the military roll shall take effect from and af
the passage of this act.

8. The District Attorney, one thousand ei
hundred dollars per annum.

9. The Coroner, such fees as are now or m
be hereafter allowed by law.

10. The Public Administrator, such fees as
now or may be hereafter allowed by law.

11. The Superintendent of Schools, one th
sand four hundred dollars per annum, includ
services on the Board of Education. He shall
allowed his actual traveling expenses when
iting schools of his county, which expenses sh
not exceed the sum of three hundred dollars
any one year.

12. The Surveyor, such fees as are now or m
be hereafter allowed by law.

13. Justices of the Peace, such fees as are n
or may be hereafter allowed by law.

14. Constables, such fees as are now or may
hereafter allowed by law.

15. Supervisors, each six hundred dollars
annum for all services performed by them as
pervisors, and members of the board of equal
tion, and road commissioners, including mile
provided, that each Supervisor shall receive
cents for each mile, traveled by the ordin
route, in going from his residence to the cou
seat and returning once during each meet
Each Supervisor shall be allowed his actual t
eling expenses while supervising the roads of
district, not exceeding ten dollars in any
month. This act, so far as it relates to the c
pensation of Supervisors, and to their compe
tion as road commissioners in counties of the
ty-first class, shall take effect immediately a
its passage.

16. The official reporter of the Superior Cour
counties of the forty-first class shall receive
full compensation for taking notes when his
vices are demanded in civil cases, and in all c
inal cases tried in said court, and when reque

by a Justice of the Peace, Coroner, or District Attorney in preliminary examinations, or inquests, a salary of one thousand two hundred dollars per annum, payable in equal monthly installments out of the county treasury at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside of the county seat. When the services of the reporter are demanded in any civil matter, there shall be taxed as costs in the case eight dollars per diem, for each day of the trial thereof, to be paid to the clerk of the court, in advance, one-half by each side; for transcription of said notes in criminal cases, and in civil cases, when required, said reporter shall receive not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy. Where the reporter is required to transcribe the whole or any part of the testimony during the taking of testimony in the Superior Court, he shall be entitled to receive and retain for his own use not to exceed fifteen cents per folio for the original and seven and one-half cents per folio for each copy, said compensation to be paid for, in civil cases, by the party ordering the same, and in criminal cases, together with said traveling expenses, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury. All per diem fees so collected by the clerk shall be paid into the county treasury on the first Monday of each month. This act, so far as it relates to the services and compensation of said official reporter, shall take effect immediately after its passage.

Sec. 199. In counties of the forty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand six hundred dollars per annum.

2. The Sheriff, twenty-five hundred dollars per annum. The Sheriff shall also receive for his own use and benefit all fees, commissions, and mileage, in all civil cases within his county, and all fees, commissions, and mileage for service of

any papers issued by any court outside of
county.

3. The Recorder, nine hundred dollars per
num.

4. The Auditor, five hundred dollars per
num.

5. The Treasurer, one thousand dollars
annum.

6. The Tax Collector, five hundred dollars
annum. The Tax Collector shall be allowed
deputy for the months of November and Apri
each year, at a compensation of one hundred
lars per month.

7. The Assessor, two thousand dollars per
num.

8. The District Attorney, one thousand
hundred dollars per annum.

9. The Coroner, such fees as are now or
hereafter be allowed by law.

10. The Public Administrator, such fees as
or may hereafter be allowed by law.

11. The Superintendent of Schools, one thous
five hundred dollars per annum, and he shall
ceive no extra compensation for his services
the Board of Education.

12. The Surveyor, such fees as are now or
hereafter be allowed by law.

13. Justices of the Peace, such fees as are
or may hereafter be allowed by law.

14. Constables, such fees as are now or
hereafter be allowed by law. In no case sha
Constable receive for service in vagrancy ca
for any one month, an amount in excess of
sum of forty dollars.

15. Supervisors, five dollars per day for
day while in the service of the county, and tw
ty cents per mile for traveling from residenc
county seat.

Sec. 200. In counties of the forty-third
the county officers shall receive, as compensa
for the services required of them by law or
virtue of their office, the following salaries
wit:

1. The County Clerk, six hundred dollars
annum, and such fees as are now or may be
after allowed by law.

2. The Sheriff, thirty-five hundred dollars

annum, and one jailer, at a salary of nine hundred dollars per annum.

3. The Recorder, six hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or any of his deputies, which said amounts shall be paid out of the county treasury.

4. The Auditor, seven hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, eight hundred dollars per annum.

7. The Assessor, twenty-two hundred dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be provided by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum for all services performed as school superintendent and member of the board of education.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. The Justices of the Peace, such fees as are now or may hereafter be allowed by law; provided, that the fees and compensation of any Justice of the Peace in criminal cases or proceedings to which the people of the State of California are or may be made a party, shall not exceed nine hundred dollars for any one year.

14. Constables, such fees as are now or may be hereafter allowed by law; provided, that the fees and compensation of any Constable in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed nine hundred dollars for any one year.

15. Each Supervisor shall receive for compensation, five dollars per day for all services performed as Supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also three dollars per day for each day actually engaged in performing

the duties of road commissioner, not to exceed three hundred dollars per annum.

Sec. 201. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum, which shall be in full for all services as Tax Collector and as License Collector.

7. The Assessor, eighteen hundred dollars per annum.

8. District Attorney fifteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, the fees which now are or hereafter may be allowed by law.

14. Constables, the fees which now are or hereafter may be allowed by law.

15. Each member of the Board of Supervisors, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat; and, when serving as road commissioner, three dollars per day and mileage as allowed by law. But he shall not in any one year receive more than three hundred and fifty dollars as Supervisor, or more than two

hundred and fifty dollars as road commissioner, exclusive of mileage.

16. In counties of this class, the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 202. In counties of the forty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, thirty-five hundred dollars per annum.

3. The Recorder, twelve hundred dollars per annum.

4. The Auditor, twelve hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, seven hundred dollars per annum; provided, there shall be no consolidation of this office with that of Treasurer or Sheriff until after the next general election.

7. The Assessor, eighteen hundred dollars per annum.

8. The District Attorney, fifteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, five hundred dollars per annum.

12. The Surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, six dollars per day, and twenty-five cents per mile in traveling to and from their respective residences to the county seat, all of which compensation, in the aggregate, shall not exceed four hundred dollars each per annum.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes, in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct; provided, that in any one year, the reporter shall not receive more than eighteen hundred dollars for services as such reporter.

Sec. 203. In counties of the forty-sixth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, thirteen hundred dollars per annum.

2. The Sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the State outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county, issued by a magistrate or court within his county.

3. The recorder, thirteen hundred dollars per annum.
4. The auditor, seven hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, four dollars a day when the board is in session, and ten cents a mile in going only, for traveling from his residence to the county seat; and when serving as road commissioner, three dollars a day and actual necessary expenses; provided, he shall not in any one year receive more than three hundred dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.
17. This act shall not affect any officer during his present term of office so far as it relates to the compensation or salary of such officers of counties of the forty-sixth class.

Sec. 204. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, eighteen hundred dollars per annum.

2. The sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county; also his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, one thousand dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, two thousand dollars per annum.

8. The district attorney, sixteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum, and actual traveling expenses while visiting schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law; provided, that the fees for service rendered in criminal cases and which are chargeable against the county, shall not exceed in the aggregate in any one month sixty dollars; provided, this provision shall not affect their right to collect fees as coroner when acting as such.

14. Constables, such fees as are now or may hereafter be allowed by law; provided, that the fees for services rendered in criminal cases and which are chargeable against the county shall not exceed in the aggregate in any one month the sum of sixty dollars; provided also, that he shall be paid by the county his actual and necessary expenses incurred in conveying prisoners to the county jail; providing further, that he be allowed his actual and necessary expenses incurred in executing any warrant outside

of his county issued by a magistrate or justice of his county, not to exceed in the aggregate a sum equal to ten cents per mile necessarily traveled outside of his county in the execution of such warrant. The items of expense herein provided which may be allowed constables shall not be charged to him in making up the maximum fees which he may collect in criminal proceedings.

15. Each supervisor, five dollars per day while attending session of the board and while engaged in the performance of the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

16. Official reporters, same as now provided by law.

This act, so far as it relates to counties of the forty-seventh class, shall take effect immediately as to the offices of justices of the peace and constables, but shall not affect the compensation of other officers during the present term of office.

Sec. 205. In counties of the forty-eighth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to-wit:

1. The county clerk, one thousand three hundred dollars per annum.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

3. The recorder four hundred dollars per annum.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, three hundred and fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundr
and twenty-five dollars per annum, and act
traveling expenses when visiting the schools
his county.

12. The surveyor, such fees as are now or n
be hereafter allowed by law.

13. Justices of the peace, such fees as are n
or may be hereafter allowed by law.

14. Constables, such fees as are now or n
be hereafter allowed by law.

15. Each supervisor, five dollars per day w
the board is in session, and twenty cents per
for traveling to and from his residence to
county seat, at each session. But he shall no
any one year receive more than five hundred
lars as supervisor.

16. The reporters, whether official or appo
ed for any particular case or proceeding, shall
ceive for his own use such fees as may be allo
by the superior court, when reporting therein
transcribing therefor, and such fees as may be
lowed by the supervisors for reporting in l
hand or shorthand at preliminary examination
inquests. Such fees to be collected from the
ties in the proportion ordered by the court in
cases, and to be paid by the county in crim
cases and proceedings.

17. The license collector, such compensatio
the board of supervisors shall fix.

This act shall take effect immediately as to
tices of the peace, constables, and reporters.

Sec. 206. In counties of the forty-ninth class
county officers shall receive, as compensation
the services required of them by law or by vi
of their office, the following salaries, to-wit

1. The county clerk, one thousand five hun
dollars per annum.

2. The sheriff, three thousand dollars per
num.

3. The recorder, one thousand two hundred
lars per annum.

4. The auditor, three hundred dollars per
num.

5. The treasurer, one thousand two hun
dollars per annum.

6. The tax collector, three hundred dollars
annum.

7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, eight dollars per day when the board is in session, but he shall not in any one year receive more than three hundred dollars as supervisor.
16. The reporters, whether official or appointed for any particular case or proceeding, shall receive for his own use such fees as may be allowed by the superior court, when reporting therein or transcribing therefor, and such fees as may be allowed by the board of supervisors for reporting in longhand or shorthand at preliminary examinations or inquests. Such fees to be collected from the parties in the proportion ordered by the court in civil cases, and to be paid by the county in criminal cases and proceedings.
17. The license collector, such compensation as the board of supervisors shall fix.

This act shall take effect immediately as to justices of the peace, constables, and reporters.

Sec. 207. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, thirty-eight hundred dollars per annum.
3. The recorder, twelve hundred dollars per annum.
4. The auditor, six hundred dollars per annum.

5. The treasurer, twelve hundred dollars per
num.
6. The tax collector, seven hundred dollars
annum.
7. The assessor, sixteen hundred and fifty d
lars per annum.
8. The district attorney, twelve hundred doll
per annum.
9. The coroner, such fees as are now or n
be hereafter allowed by law.
10. The public administrator, such fees as
now or may be hereafter allowed by law.
11. The superintendent of schools, six hund
dollars per annum, and actual traveling expen
while visiting the schools of his county.
12. The surveyor, such fees as are now or n
be hereafter allowed by law.
13. Justices of the peace, fees as are now
may be hereafter allowed by law.
14. Constables, such fees as are now or n
be hereafter allowed by law.
15. Each member of the board of supervis
five dollars per day when the board is in sess
and ten cents per mile for traveling to and f
his residence to the county seat.

Sec. 208. In counties of the fifty-first class
county officers shall receive, as compensation
the services required of them by law or by
tue of their offices, the following salaries, to-
1. The county clerk, one thousand five h
dred dollars per annum.
2. The sheriff, two thousand five hundred
lars per annum.
3. The recorder, eight hundred dollars per
num.
4. The auditor, four hundred dollars per
num.
5. The treasurer, eight hundred dollars per
num.
6. The tax collector, one thousand dollars
annum.
7. The assessor, one thousand five hundred
lars per annum.
8. The district attorney, one thousand two h
dred dollars per annum.
9. The coroner, such fees as are now or may
hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, seven hundred dollars per annum and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, two hundred and fifty dollars per annum, and twenty-five cents per mile for traveling, one way only, to the county seat at each sitting of the board.

Sec. 209. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to-wit:

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, one thousand five hundred dollars per annum.
8. The district attorney, one thousand two hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or n
be hereafter allowed by law.
15. Each supervisor, six dollars per day wl
the board is in session, not to exceed three h
dred dollars per year, and twenty-five cents
mile for traveling from his residence to the co
ty seat, in going only.
16. The reporter, whether official or appoin
for any particular case or proceeding, shall
ceive for his own use such fees as may be all
ed by the superior court, when reporting ther
or transcribing therefor, and such fees as may
allowed by the supervisors for reporting in lo
hand or shorthand at preliminary examinations
inquests; such fees to be collected from the p
ties in the proportion ordered by the court in c
cases, and to be paid by the county in crimi
cases or proceedings.
17. The license collector, such compensation
the board of supervisors shall fix.
This act shall take effect immediately as to
tices of the peace, constables, and reporters.
Sec. 210. In counties of the fifty-third class
county officers shall receive, as compensation
the services required of them by law or by vir
of their office, the following salaries, to-wit:
1. The county clerk, fifteen hundred dollars
annum.
2. The sheriff, three thousand dollars per
num.
3. The recorder, eight hundred dollars per
num.
4. The auditor, six hundred dollars per ann
5. The treasurer, one thousand dollars per
num.
6. The tax collector, one thousand dollars
annum.
7. The assessor, fifteen hundred dollars per
num.
8. The district attorney, one thousand doll
per annum.
9. The coroner, such fees as are now or n
be hereafter allowed by law.
10. The public administrator, such fees as
now or may be hereafter allowed by law.
11. The superintendent of schools, seven h
dred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Sec. 211. In counties of the fifty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, sixteen hundred dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twelve hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 212. In counties of the fifty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, nine hundred dollars per annum.
2. The sheriff, twelve hundred dollars per annum.
3. The recorder, six hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, nine hundred dollars per annum.
6. The tax collector, nine hundred dollars per annum.
7. The assessor, six hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, three hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; provided, that only one mileage shall be allowed for any regular session of the board.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts and at coroners' inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 213. In counties of the fifty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, twelve hundred dollars per annum.

2. The sheriff, twenty-six hundred dollars per annum.

3. The recorder, six hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, twelve hundred dollars per annum.

8. The district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as road commissioner when actually engaged in road business.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a per diem of eight dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required, said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 214. In counties of the fifty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to-wit:

1. The county clerk, five hundred dollars per annum.

2. The sheriff, five hundred dollars per annum.

3. The recorder, three hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, three hundred dollars per annum.

6. The tax collector, three hundred dollars per annum.

7. The assessor, three hundred dollars per annum.

8. The district attorney, three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and, when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum.

Provided, however, that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

Sec. 215. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers herein named, either as officers or ex officio officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; provided, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an act entitled "An act to establish a uniform system

of county and township government," approv
March twenty-fourth, eighteen hundred and ni
ty-three. and such assistant is continued by t
provisions of this act, either as an assistant
deputy in such county, then such deputy or ass
ant shall be paid out of the funds of such coun
as heretofore or herein provided, the assessor sh
be entitled to receive and retain for his own
six per cent on personal property tax collected
him as authorized by section thirty-eight hund
and twenty of the Political Code, and fifteen
cent of all amounts collected by him for poll ta
and road poll taxes, and also five dollars per h
dred names of persons returned by him as subj
to military duty, as provided in section ninet
hundred and one of the Political Code, and the
cense collector shall be entitled to receive and
tain for his own use ten per cent on all licen
collected by him, except where otherwise provi
in this act; provided, however, that in count
and cities and counties of the first, second,
third class the assessor shall receive no com
sion for the collection of taxes on personal p
erty, nor shall such assessor receive any com
sation for making out military roll of persons
turned by him as subject to military duty as
vided by section nineteen hundred and one of
Political Code; nor shall the license collecto
cities and counties of the first class and coun
of the second class receive any commission
licenses collected by him; provided, that in
county where the number of judges of the s
rior court shall have been increased since the
day of January, eighteen hundred and nin
seven, or shall hereafter be increased, there
be and there hereby is allowed to the sherif
such county, by reason of such increase, one
ditional deputy, to be appointed by the sherif
a salary of not exceeding twelve hundred do
per annum, to be paid at the same time and in
same manner as other county officers are
and also there must be and is hereby allowe
the county clerk of such county, one additi
deputy, to act as court-room clerk, for each j
so appointed or elected, at a salary not excee
twelve hundred dollars per annum for eac
said deputies, to be paid at the same time a

the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail; provided, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this act; provided further, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners, and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state outside of his own county.

FEES TO BE PAID INTO THE COUNTY TREASURY.

Sec. 216. All salaried officers of the several counties of this state shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except where such fees, or a percentage thereof, is allowed such officers, and excepting also such fees as are a charge against the county.

FEE BOOK.

Sec. 217. Each of the officers authorized to receive fees under the provisions of this act must keep a fee book, open to the public inspection during office hours, in which must be entered, at

once and in detail, all fees or compensation, whatever nature, kind, or description, collected chargeable. On the first Monday of each a every month, the officer must add up each c umn in his book to the first day of the month, a set down the totals. On the expiration of t term of such officer, he must deliver all fee boo kept by him to the county auditor.

STATEMENT OF FEES.

Sec. 218. The fees and compensation collec and chargeable for the county in each month sh be paid to the county treasurer on the first M day in the following month, and must be acc panied by a statement of the aggregate amo thereof, as shown by the fee book, duly verif by the officer making such payment. The affi vit shall be in the following form: "I, A. county clerk (or other officer, as the case may do swear that the fee book in my office conta a true statement in detail of all fees and comp sation of every kind and nature for official serv rendered by me, my deputies, and assistants, the month of ——, A. D. ——, and that said book shows a full amount received or charge in said month, and since my last monthly p ment; and neither myself, nor to my knowledg belief, any of my deputies or assistants have dered any official service, except for the cou which is not fully set out in said fee book, that the foregoing statement thereof is true correct."

The treasurer shall file and preserve in his o said statements and affidavit.

SALARY FUND.

Sec. 219. For the purpose of paying the sala provided for in this act, all fees directed to paid into the county treasury shall be set a therein as a separate fund, to be known as salary fund, to be applied to the payment of salaries. Should the amount received from s source be insufficient, it shall be the duty of county treasurer from time to time to transfe said fund from the general fund of the cou

such sums as may be necessary to pay said salaries as they become due.

SALARIES—HOW PAID.

Sec. 220. The salaries of such officers named in this act as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the county treasurer in favor of each of said officers for the amount of salary due him under the provisions of this act for the preceding month; except that one-half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and one-half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said warrants on presentation out of the salary fund of the county treasury.

STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

Sec. 221. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the county treasurer, showing that he has made the statement and settlement for that month required in this act.

OFFICIAL SERVICES AND FEES.

Sec. 222. The officers mentioned in this act are not in any case, except for the state or county, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required. For every failure, or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

ACCOUNT AND RECEIPT FOR FEES.

Sec. 223. Every officer, upon receiving any fees for official duty or service, may be required by

the person paying the same to make out, in w
ing, and deliver to such person a particular
count of such fees, specifying for what they,
spectively, accrued, and shall receipt the sa
and if he refuse or neglect to do so when requi
he shall be liable to the party paying the same
treble the amount so paid.

POSTER OF FEES OF JUSTICES.

Sec. 224. It shall be the duty of each just
of the peace to prepare, and keep posted in a c
spicuous place in his office, a plain and legi
statement of the fees allowed by law to justices
the peace and constables, upon pain of forfeiti
for failure so to do, fifty dollars, to be recove
with costs, by any person, before any other j
tice of the peace of the county.

ILLEGAL FEES.

Sec. 225. The board of supervisors, upon rec
ing a certified copy of the record of conviction
any officer for receiving illegal fees, must decl
his office vacant.

SERVICES PERFORMED BY SUCCESSO

Sec. 226. It shall be the duty of all officers
this act named to complete the business of t
respective offices to the time of the expiration
their respective terms; and in case any office
the close of his term shall leave to his succe
official labor to be performed, which it was
duty to perform, he shall be liable to pay to
successor the full value for such services.

NO FEES ON HABEAS CORPUS.

Sec. 227. No fee or compensation of any k
must be charged or received by any officer
duties performed or services rendered in proc
ings upon habeas corpus or naturalization, nor
administering or certifying the oath of office,
fees or other compensation shall be paid for
vice rendered in an affidavit or application rela
to the securing of a pension or the payment

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Sec. 211. In counties of the fifty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, sixteen hundred dollars per annum.

2. The sheriff, four thousand dollars per annum.

3. The recorder, eight hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twelve hundred dollars per annum.

8. The district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, four hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars.

COSTS ON REMOVAL—HOW CERTIFIED A PAID.

Sec. 230. The clerk of the county to which s action is removed shall certify the amount of c allowed and certified by the court to the audi of his county, and such auditor shall audit same and draw his warrant therefor upon treasury of the county from which such act was removed; and such auditor shall forward said treasurer and auditor of the county fr which said action was transferred, as afores a certified copy of the total amount of costs all ed by the court, giving each item as certified him by the county clerk and the court; and auditor receiving such certified copy of said c allowed shall enter the same in his book a charge against the treasury of his county; the county treasurer of the county from wh said action was removed must, immediately u presentation, pay said warrant out of the gen fund of said county; or, if at the date of prese tion there is not sufficient money in the said eral fund to pay the same, he must indorse u said warrant, "Not paid for want of funds," said warrant must be registered, and shall d interest at the same rate, and be paid in the s manner, as though it had been drawn by the ditor of the county where the indictment found.

Sec. 231. Counties created or organized a the passage and approval of this act shall im diately come under and be governed by its visions, so far as the same are applicable th to. When the population of any existing cou shall have been reduced, by reason of the c tion of any new county from the territory ther below the class and rank first assumed hereun it shall be the duty of the board of supervisor such county to designate by order the class which such county has been reduced by rea thereof, and such county shall thereafter enter list of such class; provided, that the salary county officers shall not be affected by reason such division of the county or order of the bo for the term for which they were elected and q

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, three hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; provided, that only one mileage shall be allowed for any regular session of the board.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts and at coroners' inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 213. In counties of the fifty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, twelve hundred dollars per annum.

2. The sheriff, twenty-six hundred dollars per annum.

3. The recorder, six hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, twelve hundred dollars per annum.

8. The district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter allowed by law.

10. The public administrator, such fees as now or may be hereafter allowed by law.

11. The superintendent of schools, four hund dollars per annum.

12. The surveyor, such fees as are now or m be hereafter allowed by law.

13. Justices of the peace, such fees as are n or may be hereafter allowed by law.

14. Constables, such fees as are now or may hereafter allowed by law.

15. Each member of the board of supervis six dollars per day during session, and th cents per mile one way to board meeting; th dollars per day (no mileage) as road commissio when actually engaged in road business.

16. In counties of this class the official repo of the superior court shall receive, as full comp sation for taking notes in civil and criminal c tried in said court, and for preliminary exam tions in justices' courts, a per diem of eight lars, and for transcription of said notes, when quired during the progress of the trial, he s receive the sum of twenty cents per folio for original and five cents per folio for one copy; if such transcription is not required until a conclusion of trial, then he shall receive the of ten cents per folio for original, and three c per folio for copies required, said compensa for transcription in criminal cases to be aud and allowed by the board of supervisors as o claims against the county, and paid out of county treasury, and in civil cases, to be paid the party ordering the same, or when ordered the judge, by either party, or jointly by both ties, as the court may direct.

Sec. 214. In counties of the fifty-seventh c the county officers shall receive, as compensa for the services required of them by law or virtue of their office, the following salaries, wit:

1. The county clerk, five hundred dollars annum.

2. The sheriff, five hundred dollars per ann

3. The recorder, three hundred dollars per num.

4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.
8. The district attorney, three hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and, when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum.

Provided, however, that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

Sec. 215. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers herein named, either as officers or ex officio officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; provided, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an act entitled "An act to establish a uniform system

An act to confer certain powers upon the direc
of the deaf, dumb, and blind asylum.

[Approved April 1, 1876; 1875-6, 686.]

The act conferred power to invest money
queathed to the asylum in accordance with
wishes of the donor.

TITLE 67.

DEEDS.

Acts relating to: See Civil Code, Appendix, t
Deeds, p. 765.

TITLE 68.

DEL NORTE COUNTY.

A reference to special acts relating to Del N
county is contained in Deering's Annotated Pe
Code, p. 462.

TITLE 69.

DENTISTRY.

An act to insure the better education of pra
tioners of dental surgery, and to regulate
practice of dentistry in the state of Califor

[Approved March 12, 1885; 1885, 110.]

Practice of dentistry.

Section 1. It shall be unlawful for any per
who is not at the time of the passage of this
engaged in the practice of dentistry in this stat
commence such practice, unless he or she s
have obtained a certificate as hereinafter provi

Board of examiners.

Sec. 2. A board of examiners, to consist
seven practicing dentists, is hereby created, wh
duty it shall be to carry out the purposes and

force the provisions of this act. The members of said board shall be appointed by the governor from the dental profession of the state at large. The term for which the members of said board shall hold their offices shall be four years, except that two of the members of the board, first to be appointed under this act, shall hold their office for the term of one year, two for the term of two years, two for the term of three years, and one for the term of four years, respectively, and until their successors shall be duly appointed and qualified. In case of a vacancy occurring in said board, such vacancy shall be filled by the governor in conformity with this section.

Officers, quorum.

Sec. 3. Said board shall choose one of its members president, and one the secretary thereof, and it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection.

Registration by dentists.

Sec. 4. Within six months from the time that this act takes effect, it shall be the duty of every person who is now engaged in the practice of dentistry in this state to cause his or her name and residence or place of business to be registered with said board of examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a notary public or justice of the peace, in such manner as may be prescribed by the board of examiners. Every person who shall so register with said board as a practitioner of dentistry shall receive a certificate to that effect, and may continue to practice as such without incurring any of the liabilities or penalties provided in this act, and shall pay to the board of examiners for such registration a fee of one dollar. It shall be the duty of the board of examiners to forward to the county clerk of each county in the state a certified list of the names of all persons residing in his county who have registered in accordance with the provisions of this act, and it shall be the duty of all county clerks to register such names in a book, to be kept for that purpose.

Certificates to practice dentistry.

Sec. 5. Any and all persons who shall so d
sire may appear before said board at any of
regular meetings and be examined with referen
to their knowledge and skill in dental surge
and if the examination of any such person or p
sons shall prove satisfactory to said board, t
board of examiners shall issue to such persons
they shall find to possess the requisite qualifi
tions a certificate to that effect, in accordance wi
the provisions of this act. Said board shall a
indorse as satisfactory diplomas from any repu
ble dental college, when satisfied of the charac
of such institution, upon the holder furnishing e
dence satisfactory to the board of his or her rig
to the same, and shall issue certificates to that
fect within ten days thereafter. All certifica
issued by said board shall be signed by its o
cers, and such certificates shall be prima facie e
dence of the right of the holder to practice d
tistry in the state of California.

Violation.

Sec. 6. Any person who shall violate any of
provisions of this act shall be deemed guilty o
misdemeanor, and upon conviction shall be fi
not less than fifty dollars nor more than two h
dred dollars, or confined in the county jail
months for each and every offense. All fines
covered and collected under this act shall be
tributed, one-half to the informer, and the ot
half be paid into the common school fund of
county in which the conviction takes pla
[Amendment approved March 3, 1893; Stats. 18
p. 70. In effect immediately.]

Examination fee.

Sec. 7. In order to provide the means for
rying out and maintaining the provisions of
act, the said board of examiners shall charge e
person applying to or appearing before them
examination for a certificate of qualification
fee of ten dollars, which fee shall in no case
returned, and out of the funds coming into
possession of the board from the fees so charg
and penalties received under the provisions of
act, all legitimate and necessary expenses inc
red in attending the meetings of said board sh
be paid. And no part of the expenses of

board shall ever be paid out of the state treasury. All moneys received in excess of expense above provided for shall be held by the secretary of said board as a special fund for meeting the expenses of said board, and carrying out the provisions of this act, he giving such bonds as the board shall from time to time direct. And said board shall make an annual report of its proceedings to the governor by the first of December of each year, together with an account of all moneys received and disbursed by them pursuant to this act.

Registering certificate.

Sec. 8. Any person who shall receive a certificate from said board to practice dentistry shall cause his or her certificate to be registered with the county clerk of the county in which such person may reside, and the county clerk shall charge for registering such certificate a fee of one dollar. Any failure, neglect, or refusal on the part of any person holding such certificate to register the same with the county clerk as above directed, for a period of six months, shall work a forfeiture of the certificate, and no certificate when once forfeited shall be restored, except upon the payment to the said board of examiners of the sum of twenty-five dollars, as a penalty for such neglect, failure, or refusal.

Falsely pretending to hold license.

Sec. 9. Any person who shall knowingly and falsely claim or pretend to have or hold a certificate of license, diploma, or degree, granted by any society organized under and pursuant to the provisions of this act, or who shall falsely, or with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section six.

Physicians may extract teeth.

Sec. 10. Nothing in this act shall be so construed as to prohibit any practicing physician from extracting teeth.

Sec. 11. This act shall take effect immediately.

TITLE 70.

DISTRICT ATTORNEYS.

Acts relating to: See Political Code, Appendix, title, District Attorneys, p. 960.

TITLE 71.

DITCHES.

An act for the protection of the owners of ditches and flumes.

[Approved March 16, 1889; 1889, 202.]

Joint liability of owners of ditch or flume.

Section 1. When two or more persons are associated by agreement in the use of a ditch or flume, or are using for the irrigation of land a ditch or flume, to the construction of which they or their grantors have contributed, each of them shall be liable to the other for the reasonable expense of maintaining and repairing the same in proportion to the share in the use of the water to which he is entitled.

Action for refusal to pay proportional expense.

Sec. 2. If any of them refuse or neglect, after demand in writing, to pay his proportion of such expenses, he shall be liable therefor in an action for contribution in the nature of an action on the case, and in any judgment obtained against him, interest from the time of such demand, at the rate of two per cent per month may be included.

Willful appropriation a misdemeanor.

Sec. 3. If any of them willfully appropriate to his own use more than his proportionate share of the water from such ditch or flume, to the detriment of his associates, or any of them, he shall be liable in damages in treble the value of the water so appropriated in excess of his proper share.

Actions, how brought.

Sec. 4. The actions provided for in sections two and three may be brought by any or either of the parties injured, and may be joint or several.

Sec. 5. This act shall take effect from and after its passage.

TITLE 72.

DOGS.

Dogs killing sheep, liability for: See post, Sheep.

An act to protect sheep and Cashmere and Angora goats against the ravages of dogs.

[Approved March 13, 1866; 1865-6, 225.]

Dog tax.

Section 1. Every owner, claimant, or keeper of a dog or dogs of the age of four months or over, shall hereafter pay an annual tax on all dogs owned, claimed, or kept by him or her; for the first male dog, one dollar; for every additional male dog, two dollars; and for every female dog, three dollars.

Collection.

Sec. 2. It shall be the duty of the county, district, or township assessors, as the case may be, at the time of making their annual assessment of real estate and personal property, to ascertain by diligent inquiry and examination the names of all persons owning, claiming, or keeping any dog or dogs, and they shall assess all such dogs in the amounts respectively, as provided in the first section of this act, to the person or persons owning, claiming, or keeping the same, and shall make lists and delivery thereof on their annual tax lists or assessment rolls at the same time and in the same manner as their lists and delivery of other personal property are made and delivered; and the proper officers are hereby empowered and required to collect such tax on dogs in the same mode and manner as other taxes are collected, and to pay over the same into the county school fund.

Ownership.

Sec. 3. Every dog kept or staying at any h shall be deemed sufficient evidence of owne to authorize the assessor to return the perso habiting the house as the owner of such dog; any person sending his or her dog from hou house or from place to place in order to evade tax shall pay double rates therefor; and e dog not so returned shall be deemed to hav owner, and may be lawfully killed by any pe seeing the same running at large.

Damages.

Sec. 4. The owner or owners of any do dogs which shall worry, wound, or kill any sh Cashmere or Angora goats, shall be liable to owner or possessor of such sheep, goat or g for the damages and costs of suit, to be recov before any court having jurisdiction in the

Killing.

Sec. 5. Any person finding any dog or dogs on the premises of its owner, worrying, woun or killing any sheep, or Cashmere or An goats, may kill the same, and the owner the shall sustain no action for damages against person so killing any dog or dogs under such cumstances.

The following special and local acts were ed in 1878: An act to repeal an act entitle act restricting the herding of sheep to certain tures in the counties of Sonoma and Marin, ed April 21, 1857, and the acts amendatory the so far as they relate to the counties of Me cino and Humboldt, approved February 14, 1877-8, 79.

An act restricting the herding of sheep to tain pastures in the county of Modoc, appr March 14, 1878; 1877-8, 241.

An act to prevent sheep and goats from b herded or running at large in certain portion Lake county, approved March 29, 1878; 18 685.

TITLE 73.

DONATIONS TO STATE, COUNTY, CITY, OR TOWN.

Consult the following acts:

An act to provide for the receipt and appropriation of donations to the state, or counties, or cities and counties, or cities or towns therein.

[Approved April 3, 1880; 1880, 20 (Ban. ed. 106).]

An act to authorize the several counties, cities and counties, cities, and towns of this state, and the officers and boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

[Approved February 10, 1881; Stats. 1881, 2.]

TITLE 74.

DRAINAGE.

An act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin rivers.

[Approved March 29, 1878; 1877-8, 634.]

This act created the office of state engineer for the period of two years and prescribed the duties of the engineer. It was amended by renewing the office each session of the legislature up to 1889.

An act to promote drainage.

[Approved April 23, 1880; 1880, 123 (Ban. ed. 3

Board of drainage commissioners.

Section 1. The governor, surveyor general, state engineer shall be ex officio members of constitute a board of drainage commissioner divide the state into several drainage distr and organize the same as hereinafter provi The governor shall be president of the board, the office of the board shall be in the state neer's office at the state capitol. The secreta the state engineer shall be secretary of the b

Report of state engineer.

Sec. 2. Within thirty days after the passag this act, or as soon thereafter as may be prac ble, the state engineer shall submit to said b a report or reports containing the result of hi vestigations as to drainage, having in view control of debris from mining and other o tions, the improvement and rectification of channels, the erection of embankments or necessary for the protection of lands, town cities from inundation. He shall also make sp examinations with reference to the division o state into several drainage districts, each of w shall include a territory drained by one na system of drainage, and shall report to the b of drainage commissioners the result of hi aminations, and shall from time to time pr boundaries for such districts and recommend formation.

Board to consider the report.

Sec. 3. After the state engineer has rep the boundaries and recommended the form of one or more drainage districts, the board proceed to consider the same, and may a amend, or reject said report; but if adopte them, either in the original form or amended, shall, by resolution entered upon the reco their proceedings, declare the said territory t and the same shall thereupon become, a dra district, and shall be known as drainage di number one, two, or three, etc., as the case

annum, and one jailer, at a salary of nine hundred dollars per annum.

3. The Recorder, six hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or any of his deputies, which said amounts shall be paid out of the county treasury.

4. The Auditor, seven hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, eight hundred dollars per annum.

7. The Assessor, twenty-two hundred dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be provided by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum for all services performed as school superintendent and member of the board of education.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. The Justices of the Peace, such fees as are now or may hereafter be allowed by law; provided, that the fees and compensation of any Justice of the Peace in criminal cases or proceedings to which the people of the State of California are or may be made a party, shall not exceed nine hundred dollars for any one year.

14. Constables, such fees as are now or may be hereafter allowed by law; provided, that the fees and compensation of any Constable in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed nine hundred dollars for any one year.

15. Each Supervisor shall receive for compensation, five dollars per day for all services performed as Supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also three dollars per day for each day actually engaged in performing

rector shall receive a salary of one hundred
lars per month, payable monthly out of the
struction fund of the district.

Specifications, plans, etc.

Sec. 7. After the formation of any ter
into a drainage district, the state engineer, as
as practicable after proper surveys have
made, shall submit to the board of directors
district plans, specifications, and estimates
cost of the works necessary in said district,
der to secure a proper system of drainage the
The report shall be accompanied by the co
ring or dissenting opinion of the consultin
gineer.

Board of directors may adopt, etc.

Sec. 8. After the report of the state eng
as aforesaid, giving plans, specifications, and
mates of the cost of the works, or any mo
tions or changes thereof, are made to the
of directors of the district, the board shall
amend, or reject the whole or any portion of
plans, or may refer them back to the state
neer for further report.

Bids.

Sec. 9. After the adoption of the plans
specifications of the work to be done in th
trict, the board of directors shall advertis
thirty days, in three newspapers of genera
culation published therein, for bids for the
struction of all or any portion of the work
braced in said plans; the said notice shall
that the plans and specifications of said
are on file in the office of the board of dir
of the district, and can there be examined b
person who may so desire; and shall also
that it will be unlawful for any contractor t
ploy any Chinese or Mongolians in the con
tion of such works, and state generally the
and time in which the work shall be constr
and that the right to reject any and all bids
served by said board; and no material used
construction of such works shall be purc
from any contractor or manufacturer who
directly or indirectly employs any Chinese or
golian labor.

Contracts.

Sec. 10. All contracts shall be awarded to the lowest responsible bidder (if his bid is not deemed by the board too high), and the contractor shall give a good and sufficient bond in not less than twenty-five per cent. of the estimated cost of the work contracted for; the bond, both as to its amount and the sureties thereon, shall be subject to the approval of the board of directors of the district, and when so approved shall be filed in the office of said board. Any members of the board of drainage commissioners, or the state engineer, or consulting or resident engineer, or any superintendent of said works, or any employee of the board of drainage commissioners, any member of the board of directors of any drainage district, or any employee thereof, or of the state engineer's department, who shall be interested in any contract for the construction of any such works in any drainage district, shall be guilty of a felony. If, however, any emergency shall arise rendering it necessary, in the judgment of said board of directors, concurred in by the state board of drainage commissioners, for the protection of works already completed, that immediate repairs or work should be done, the said directors shall have the power to do such work or repairs in the manner which to them seems most advisable.

Condemnation.

Sec. 11. The board of directors of the district may condemn the right of way for any work necessary for the purpose of the drainage of the district; may purchase or condemn material necessary for the work; may join, connect with, enlarge, or strengthen any works already constructed, and may condemn such lands as may be by them deemed necessary for reservoirs for storing debris from the mines, whether the same be within or without the boundaries of the district, and may provide for connecting the system of drainage of one district with that of another, or for several districts; and it is hereby declared that the use of the property, such as right of way and lands which may be condemned, taken, or appropriated under the provisions of this act, is a public use; and that such appropriation is for the public benefit (provided, that they shall not have the right

12. The Surveyor, ten dollars per day when
gaged in county work. He shall also receive
actual expenses when at work in the field.
13. Justices of the Peace, such fees as are
or may be hereafter allowed by law.
14. Constables, such fees as are now or may
hereafter allowed by law.
15. Each member of the Board of Supervis
six dollars per day, and twenty-five cents
mile in traveling to and from their respective
dences to the county seat, all of which compe
tion, in the aggregate, shall not exceed four
dred dollars each per annum.
16. In counties of this class the official repo
of the Superior Court shall receive, as full
pensation for taking notes, in civil and crim
cases tried in said court, and for preliminary
aminations in Justices' Courts, a monthly sa
of fifty dollars, payable out of the county t
ury, at the same time and in the same manne
the salaries of county officers; and for trans
tion of said notes, when required, he shall rec
the sum of ten cents per folio for the orig
and five cents per folio for a copy; said compe
tion for transcription in criminal cases to be
dited and allowed by the Board of Supervisor
other claims against the county and paid ou
the county treasury, and in civil cases, to be
by the party ordering the same, or, when o
ed by the judge, by either party, or jointly
both parties, as the court may direct; provi
that in any one year, the reporter shall no
ceive more than eighteen hundred dollars for
vices as such reporter.
Sec. 203. In counties of the forty-sixth c
the county officers shall receive, as compens
for the services required of them by law o
virtue of their offices, the following salarie
wit:
1. The County Clerk, thirteen hundred do
per annum.
2. The Sheriff, twenty-four hundred dollars
annum, and the fees or commissions for the
vice of all papers issued by any court of
State outside of his county, and his actual
necessary traveling expenses while executi
warrant outside of his county, issued by a m
trate or court within his county.

3. The recorder, thirteen hundred dollars per annum.

4. The auditor, seven hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, one thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, four dollars a day when the board is in session, and ten cents a mile in going only, for traveling from his residence to the county seat; and when serving as road commissioner, three dollars a day and actual necessary expenses; provided, he shall not in any one year receive more than three hundred dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.

17. This act shall not affect any officer during his present term of office so far as it relates to the compensation or salary of such officers of counties of the forty-sixth class.

Sec. 204. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, eighteen hundred dollars per annum.

Tax levy.

Sec. 16. The board of directors of each d age district must, on some day in the mont October of each year, levy a tax upon all the erty in the district, of one-twentieth of one cent. on the value of said property. Immedi after the levy of said tax, the board of dire levying the same shall at once notify the au of each county in which any portion of any d age district is embraced of the tax and ra levied; and each of said auditors shall com and enter upon the duplicate assessment-boo each district the respective sums to be colle in the same manner that he makes comput and entry upon the assessment-book for state county tax purposes, and shall turn the same to the tax collector at the same time and i same manner that he does the assessment ro state and county purposes. The tax collector collect such tax or taxes at the same time in the same manner that they collect state county taxes; and all laws for the enforce and collection of state and county taxes no force, or hereafter to be enacted, shall be cable to the enforcement and collection o taxes in this act provided for. The tax coll shall pay the same over to the county trea at the same time and in the same manner as and county taxes are paid. The county trea shall pay the same over to the state treasur the same time and in the same manner as taxes are paid, and the state treasurer shall the same to the credit of a fund to be know the "construction fund of drainage district ber one," "two," "three," etc., as the case ma

Same.

Sec. 17. In case any drainage district is o ized after the time provided by law for ma assessments for state and county purposes, the board of directors of such district shall, if deem it advisable so to do, notify the audit auditors of the county or counties embrace whole or in part in such district; and there each of said auditors shall make a copy fro assessment-book of that county for state county taxation, as finally corrected and equ by the proper authority, of all the property in

county embraced in said district, and shall immediately thereafter prepare, and forward by mail or express to said directors, a statement showing the total value of the property thus assessed and included in said district. The said directors must thereupon, and on some day before the first day of November of that year, levy a tax upon all the property in the district, of one-twentieth (1-20th) of one per cent. of the value of said property: and immediately thereafter they must notify the auditor or auditors of the county or counties embraced in whole or in part in the district of the tax and rate so levied. The auditor of each county so notified shall thereupon compute, and enter upon said copy of the assessment-book, this tax, in the same manner that he does taxes for state and county purposes. The said copy shall then be turned over to the tax collector of the county, and the taxes embraced in the same shall be collected, and finally paid over to the state treasurer, in the same manner and at the same times as stated in the preceding section of this act.

Compensation of auditors and assessors.

Sec. 18. The auditors and assessors of the counties embraced in any drainage district shall be allowed a reasonable compensation for making the duplicate assessment-books, also the auditors for making a copy of the assessment-book; and these claims for such compensation shall be audited and allowed by the directors of such drainage district, and shall be paid in the same manner as other claims against the district.

Hydraulic mine owners to render statement to assessor.

Sec. 19. The owner or owners, or the managing agent, of every hydraulic mine, or any mine using water to wash the earth or ores for mining purposes, which mine may be embraced in whole or in part within any drainage district to be formed or organized under this act, and of all mines the waters from which carry slickens, sand, or debris therefrom run into any such district, shall, on or before the first day of July, A. D. eighteen hundred and eighty, and every year thereafter, at the time required for rendering a statement to the assessor for the purpose of assessing for state and county taxes, render to the

11. The superintendent of schools, six hund
and twenty-five dollars per annum, and act
traveling expenses when visiting the schools
his county.

12. The surveyor, such fees as are now or r
be hereafter allowed by law.

13. Justices of the peace, such fees as are r
or may be hereafter allowed by law.

14. Constables, such fees as are now or r
be hereafter allowed by law.

15. Each supervisor, five dollars per day w
the board is in session, and twenty cents per r
for traveling to and from his residence to
county seat, at each session. But he shall no
any one year receive more than five hundred
lars as supervisor.

16. The reporters, whether official or appo
ed for any particular case or proceeding, shal
ceive for his own use such fees as may be allo
by the superior court, when reporting thereir
transcribing therefor, and such fees as may b
lowed by the supervisors for reporting in l
hand or shorthand at preliminary examination
inquests. Such fees to be collected from the
ties in the proportion ordered by the court in
cases, and to be paid by the county in crim
cases and proceedings.

17. The license collector, such compensatio
the board of supervisors shall fix.

This act shall take effect immediately as to
tices of the peace, constables, and reporters.

Sec. 206. In counties of the forty-ninth clas
county officers shall receive, as compensation
the services required of them by law or by v
of their office, the following salaries, to-wi

1. The county clerk, one thousand five hun
dollars per annum.

2. The sheriff, three thousand dollars per
num.

3. The recorder, one thousand two hundred
lars per annum.

4. The auditor, three hundred dollars per
num.

5. The treasurer, one thousand two hun
dollars per annum.

6. The tax collector, three hundred dollars
annum.

7. The assessor, one thousand five hundred dollars per annum.

8. The district attorney, one thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, eight dollars per day when the board is in session, but he shall not in any one year receive more than three hundred dollars as supervisor.

16. The reporters, whether official or appointed for any particular case or proceeding, shall receive for his own use such fees as may be allowed by the superior court, when reporting therein or transcribing therefor, and such fees as may be allowed by the board of supervisors for reporting in longhand or shorthand at preliminary examinations or inquests. Such fees to be collected from the parties in the proportion ordered by the court in civil cases, and to be paid by the county in criminal cases and proceedings.

17. The license collector, such compensation as the board of supervisors shall fix.

This act shall take effect immediately as to justices of the peace, constables, and reporters.

Sec. 207. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, twelve hundred dollars per annum.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder, twelve hundred dollars per annum.

4. The auditor, six hundred dollars per annum.

duplicate assessment-book prepared for the
trict, and the tax collector shall collect said
sessment at the same time and in the same m
ner as he collects state and county taxes; and
money so collected shall be turned over to
county treasurer and paid by him to the state tr
urer, the same as other moneys collected un
the provisions of this act. The state treasu
shall place the same to the credit of the "
struction fund" of the district to which it belo

State tax.

Sec. 24. There shall be levied in the y
eighteen hundred and eighty, and each year th
after, by the same officers, at the same time
in the same manner that other state taxes
levied, a tax of one-twentieth of one per cent.
all the taxable property in the state in addi
to other state taxes. Said tax must be collec
by the same officers at the same time, and
over at the same time, that other state taxes
collected and paid over. The state treasurer s
place all moneys received by him on account
such tax to the credit of a fund, to be known
the "state drainage construction fund." The s
drainage construction fund must be used
drawn upon in the same manner and for the s
purposes as the "construction fund" of a drain
district; provided, that all moneys raised un
the provisions of this act shall be used exclusi
for the construction of dams for impounding
debris from the mines hereinbefore specified,
for the improvement and ratification of river c
nels in which said debris flows within the dr
age districts to be formed under the provision
this act, at such points thereof as shall be de
nated by the state engineer, or deemed neces
by the board of directors of such drainage dist

Duty of state treasurer.

Sec. 25. The state treasurer is hereby aut
ized and required to pay all warrants drawn
the state controller upon the "construction fu
of any drainage district, or upon the "state dr
age construction fund," out of such fund;
vided, that if there be no money in the "s
drainage construction fund" to meet the payn
of any warrant on that fund, the state treas

shall pay such warrants out of any other money in the state treasury not otherwise appropriated, but not exceeding in the aggregate the amount, or the balance of the amount, to be paid into the "state drainage construction fund," under this act, for the current year, upon an estimate based upon the assessed value of all the taxable property in the state for the preceding year; and provided further, that no indebtedness shall be created against either of said funds for any one year in excess of the amount provided to be raised by the tax levy for said year for said funds; said levy to be estimated upon the assessment roll for the previous year; and when the state tax in this act provided for is collected and paid into the treasury, the money so paid shall be repaid from the "state drainage construction fund."

Responsibility of officers.

Sec. 26. All officers acting under the provisions of this act, and their bondsmen, are hereby made responsible for the collection, safe-keeping, and proper accounting of the taxes and funds intrusted to them, in the manner herein provided, in accordance with the laws regulating their duties and responsibilities in connection with state and county funds.

Construction of act.

Sec. 27. Nothing in this act shall be construed in such a manner as to invalidate the indebtedness of any reclamation or levee district, or any assessment levied therein, or to affect in any manner whatever the laws in force in relation to reclamation and levee districts; nor shall any levees be condemned or purchased under the provisions of this act.

Chinese not to be employed.

Sec. 28. No Chinese or Mongolians shall be employed in any capacity whatever on any work to be done in pursuance of the provisions of this act.

Sec. 29. This act shall take effect and be in force from and after its passage.

14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, and twenty-five cents per mile for traveling from his residence to the county seat, in going only.
16. The reporter, whether official or appointed for any particular case or proceeding, shall receive for his own use such fees as may be allowed by the superior court, when reporting thereof or transcribing therefor, and such fees as may be allowed by the supervisors for reporting in longhand or shorthand at preliminary examinations or inquests; such fees to be collected from the parties in the proportion ordered by the court in civil cases, and to be paid by the county in criminal cases or proceedings.
17. The license collector, such compensation as the board of supervisors shall fix.

This act shall take effect immediately as to justices of the peace, constables, and reporters.

Sec. 210. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to-wit:

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, seven hundred dollars per annum.

ests of such district; and they must then define the boundaries, declare the district duly formed, and the persons named in the petition for the formation of such district to be the trustees for the first three months, or until their successors are appointed. [Amendment approved March 31, 1891; Stats. 1891, p. 262. In effect immediately.]

Recording petition.

Sec. 4. The petition must then be recorded by the county recorder.

By-laws.

Sec. 5. After the approval of the petition the petitioners may make such by-laws as they deem necessary for future appointment of trustees, and to effect the work of drainage, keep the same in repair and operation, and for the control and management thereof, by the votes or consent of the owners of a majority of the land in the district.

Signing and recording by-laws.

Sec. 6. The by-laws adopted must be signed by persons owning a majority of land in the district, and must be recorded by the county recorder.

Power of board.

Sec. 7. The board thus formed shall have power to elect one of their number president thereof, and to employ engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage, and the land needed for right of way, including drains, canals, sluices, watergates, embankments, and material for construction, and to construct, maintain, and keep in repair all works necessary to the object in view.

Plans and estimates.

Sec. 8. The board of trustees must report to the board of supervisors of the county, or if the district is situated in more than one county then to the board of supervisors of each county in which the district is situated, the plans of the work and estimates of the costs, together with the estimates of the incidental expenses of superintendence, repairs, etc.

Assessing expense.

Sec. 9. The board by which the district was formed must appoint three commissioners, disin-

terested persons residing in the county in wh
the district, or some part thereof, is situated,
such commissioners must view and assess u
the lands situated in the district a charge pro
tionate to the whole expense, and to the ben
which will result from such work, which cha
must be collected and paid into the county tr
ury as hereinafter provided, and must be pla
by the treasurer to the credit of the district,
paid out for the work of drainage upon the w
rants of the trustees appointed by the board
supervisors of the county.

Warrants on the treasurer.

Sec. 10. The warrants drawn by the trust
must, after they are approved by the board
supervisors, be presented to the treasurer of
county, and if they are not paid on presentat
like indorsements must be made thereon, and t
must be registered in like manner as county w
rants.

Payments when district in different counties.

Sec. 11. If a district is situated partly in dif
ent counties the charges must be paid into
treasury of the county in which the particu
tract may be situated.

Further assessment.

Sec. 12. If the original assessment is insuffici
to provide for the complete drainage of the land
the district, or if further assessments are fr
time to time required to provide for the pro
tion, maintenance, and repairs of the works,
trustees must present to the board of supervis
by which the district was formed a statement
the work to be done and its estimated cost,
the board must make an order directing that
commissioners who made the original assessm
or other commissioners to be named in such or
to assess the amount of such estimated cost
a charge upon the lands in the district, which
sessment must be made and collected in the sa
manner as the original assessment.

List of charges and of lands.

Sec. 13. The commissioners appointed by
board of supervisors must make a list of
charges assessed against each district of land,
the list must contain a description of each tr

assessed, the number of acres in each tract, and the names of the owners in each tract, if known, and if unknown, the amount of charges assessed against each tract; and the board of commissioners must, on completion of such list, cause a notice to be published in some paper published in the county where such district is situated, and also have such notice posted in three places in such district, to the effect that the board of commissioners will, in ten days from the publication of such notice, meet (and they shall also name the time and place of such meeting) as a board of equalization for the purpose of equalizing assessments, and will continue in session so long as may be necessary, not to exceed ten days, at the end of which time, having equalized and adjusted such assessments, the list must then be filed as hereinafter provided. [Amendment approved March 31, 1891; Stats. 1891, p. 262. In effect immediately.]

Filing list.

Sec. 14. The list so made must be filed with the county treasurer of the county, or if the district is partly situated in different counties, then the original list must be filed in the county first in order under alphabetical arrangement, and copies thereof, certified by the commissioners, must be filed with the treasurers of each of the other counties. From and after the filing of the list, or certified copies thereof, the charges assessed upon any tract of land in the county constitutes a lien thereon; and the list thus prepared must remain in the office of the treasurer for thirty days, or longer if ordered by the board of trustees; and during the time they so remain any person may pay the amount of the charges against any tract to the treasurer without costs; or if so ordered by the board of trustees, said payments may be by installments; and if at the end of thirty days, or of the longer period fixed by trustees, all of the charges, or all of any installments ordered by them, have not been paid, the treasurer must return the list to the district attorney, who must at once proceed by civil action to collect such charges.

Executing work.

Sec. 15. The work must be executed under the

direction and in the manner prescribed by
board of trustees.

Account of expenditures.

Sec. 16. The board must keep accurate
counts of all expenditures, which accounts, and
contracts that may be made by them, are open
the inspection of the board of supervisors,
every person interested.

Purchases by trustees.

Sec. 17. The trustees may acquire, by purch
all property necessary to carry out and main
the system of drainage provided for.

Eminent domain.

Sec. 18. The trustees may acquire, by cond
nation, the right of way for canals, drains,
bankments, and other works necessary, and
take materials for the construction, maintena
and repair thereof from lands outside of as we
in the limits of said district.

Same.

Sec. 19. The provisions of Title VII, Part
of the Code of Civil Procedure are applicable
and condemnation herein provided for must
made thereinunder.

Drainage by owners.

Sec. 20. Whenever any district susceptibl
one mode of drainage, entirely owned by pa
who desire to drain the same, and to manage
drainage without the intervention of trustees
the establishment of by-laws, they may file
petition provided for in sections one and two,
must state therein that they intend to under
such drainage on their own responsibility. If
petition is granted, the owners of the land hav
the rights, immunities, and privileges grante
boards of trustees, and in all proceedings
names of owners may be used instead of
names of trustees.

Sec. 21. This act shall take effect upon its
sage.

In addition to the foregoing, the following
may be consulted:

e money to pay the indebted-
ler an act entitled "An act to
e," approved March 23, 1880.
arch 10, 1885; 1885, 78.]

e state drainage construction
ing the transfer of any bal-
herein to the general fund.
1, 1893; Stats. 1893, p. 64.]

the organization and govern-
districts, for the drainage of
s other than swamp and over-

ch 31, 1897; Stats. 1897, chap.
ccxxviii.]

tate of California, represented
ssembly, do enact as follows:

ver fifty, or a majority of the
vidence of title as herein pro-
al lands other than lands
d overflowed lands, which are
general mode of drainage by
works, desire to provide for
n lands, they may propose the
rainage district under the pro-
and when so organized such
he powers, rights, and duties
may be conferred by law,
age district. The equalized
roll next preceding the presen-
for the organization of a drain-
he provisions of this act, shall
ce of title for the purposes of
that no person who has re-
title to land within such pro-
he purpose of enabling him or
petition or to become an elector
ll be allowed to sign such pe-
any election to be held in such
provisions of this act. Such il-

legal signing, however, shall not invalidate s
petition when there shall be found a suffic
number of other legal petitioners.

Sec. 2. A petition shall first be presented to
board of supervisors of the county in which
lands, or the greatest portion thereof, are situa
signed by the required number of the holders o
tle or evidences as above provided of title of s
proposed district, which petition shall set f
and particularly describe the proposed bounda
of such district, and shall pray that the same
organized under the provisions of this act.
petitioners must accompany the petition wit
good and sufficient bond, to be approved by
said board of supervisors, in double the amo
of the probable cost of organizing such dist
conditioned that the obligors will pay all the
in case such an organization shall not be effec
The petition shall be presented at a regular m
ing of the said board of supervisors, and s
have been published for at least two weeks be
such presentation in some newspaper printed
published in the county where the petition is
sented, together with a notice stating the dat
the meeting of said board at which the peti
will be presented; and if any portion of the
posed district lies within another county, or co
ties, then said petition and notice shall be l
wise published in a newspaper printed and p
lished in each of such counties.

Sec. 3. When such petition is presented,
board of supervisors shall hear the same, and m
adjourn such hearing from time to time, not
ceeding four weeks in all, and on the final hea
may make such changes in the proposed bou
aries as they may find to be proper, and shall
fine and establish such boundaries; provided,
said board shall not modify said boundaries so
to except from the operation of this act any to
tory within the boundaries of the proposed dist
which is susceptible of drainage by the same
tem of works applicable to the other lands in s
proposed district; nor shall any land which
not, in the judgment of said board, be benef
by drainage by such system, be subjected to
operation of this act: provided, that any per
whose lands are susceptible of drainage by

orks, may, in the discretion of
pplication of the owner, have
l in such district. Said board
ed in the petition by its order,
t into three or more divisions,
size as practicable, which di-
mbered consecutively, and one
ssessment commissioner, each
an elector and a resident free-
on, shall be elected by each di-
hat when requested in the pe-
ors and three assessment com-
s, electors, and freeholders of
e elected at large by the quali-
district. Said board of super-
stablish a convenient number
s for said proposed district, de-
thereof, and designate the poll-
which precincts and polling
er be changed by the board of
d of supervisors shall also ap-
inct, from the electors thereof,
two judges, who shall consti-
ection for such precinct, with
ties hereinafter prescribed for
sequent elections. Said board
l then give notice of an elec-
such proposed district for the
ning whether or not the same
d under the provisions of
notice shall designate a
proposed district, and de-
es thereof and the boundaries
ablished therein, together with
e polling place and board of
recinct; and shall require the
osed district to cast ballots
the words "Drainage District
ge District—No," or words
and also the names of one or
rding to the divisions of the
prayed for in the petition and
rd), to be voted for to fill the
nd one or more persons to fill
nent commissioner. Such no-
hed for at least three weeks
n in a newspaper within said

county; and if any portion of such proposed
trict lie within another county or counties,
notice shall also be similarly published in a
paper published within each of said cou
No person shall be entitled to vote at any ele
held under the provisions of this act unle
shall possess all the qualifications requir
electors under the general election laws of
state; provided, that any person owning
within such district, wherever resident in
state, shall be entitled to vote at any election
in such district under the provisions of thi
Except as herein provided, such election sh
conducted, as nearly as practicable, in accor
with the general election laws of this state
vided, that no particular form of ballot sh
required.

Sec. 4. The said board of supervisors sha
the first Monday succeeding such election, if
in session, or at its next succeeding gener
special session, proceed to canvass the votes
thereat, and if, upon such canvass, it appear
at least two-thirds of all the votes cast are "I
age District—Yes," the board shall, by an
entered in its minutes, declare such territory
organized as a drainage district, under the
theretofore designated, and shall declare th
sons receiving, respectively, the highest nu
of votes for directors and assessment commi
ers, to be duly elected to such offices. And
tion shall be commenced, or maintained, c
fense made, affecting the validity of the orga
tion of such district, unless the same shall
been commenced or made within two years
the making and entering of said order.
board shall cause a copy of such order, duly
tified, to be immediately filed for record i
office of county recorder of each county in
any portion of such lands are situated, and
also immediately forward a like copy there
the clerk of the board of supervisors of each
counties in which any portion of the district
lie; and no board of supervisors of any coun
cluding any portion of such district shall
the date of the organization of such district,
another district to be formed, including
of the lands in such district without

rd of directors thereof; r the date of such fil- of such district shall he officers, thereof shall ccordance with law, be en- e duties of their respective such offices, respectively, are elected and qualified. ict organized as herein pro- ll be held in each second e same day on which the istrict was held, at which a the district, and also, when rd of directors, assessment ided in section three of this The person receiving the es for any office to be filled ected thereto. Within ten their respective certificates persons shall take and sub- , to be indorsed upon their which shall be filed in the directors. Each assessment ecute an official bond in the dollars, which shall be ap- vith the board of directors, execute an official bond in and dollars, which shall be e of the superior court of organization of the district ll be recorded in the office r of such county, and filed the board of directors. All rovided for shall be in the w for the official bonds of

s before any election held uent to the organization of ary of the board of di- tices to be posted in three lection precinct, of the time the election, and shall also f the same in a conspicuous said board, which shall be at the county seat of the anization of the district ef- officers to be elected, the

polling places of each precinct, and the nam
the members of the boards of election, for eac
cinct. Prior to the time for posting such n
the board must appoint for each precinct, fro
electors thereof, one inspector and two ju
who shall constitute a board of election for
precinct. If the board fail to appoint a boa
election, or the members appointed do not a
at the opening of the polls on the morning o
election, the electors of the precinct prese
that hour may appoint the board, or suppl
place of an absent member thereof. The
of directors must, in its order appointing
board of election, designate the place within
precinct where the election must be held.

Sec. 7. The inspector is chairman of the el
board, and may:

First—Administer all oaths required in the
ress of an election.

Second—Appoint judges and clerks, if, d
the progress of the election, any judge or
cease to act. Any member of the board of
tion, or any clerk thereof, may administe
certify oaths required to be administered d
the progress of an election. The board of el
for each precinct must, before opening the
appoint two persons to act as clerks of the
tion. Before opening the polls, each memb
the board and each clerk must take and sub
an oath to faithfully perform the duties im
upon them by law. Any elector of the pr
may administer and certify such oath. The
must be open at nine o'clock A. M., and kep
until four o'clock P. M., when the same m
closed. The provisions of the Political Co
lating to the form of ballots to be used sha
apply to elections held under this act.

Sec. 8. Voting may commence as soon a
polls are open and may be continued duri
the time the polls remain open, and shall b
ducted as nearly as practicable in accordanc
the provisions of chapter nine of title two o
three of the Political Code of this State. A
as the polls are closed, the judges shall ope
ballot-box, and commence counting the vote
in no case shall the ballot-box be removed
the room or place where the election is held

en counted, which counting
ublic. The ballots shall be
e by the inspector or one of
open the same, and read
ch person thereon, and the
e is voted for. Each clerk
office to be filled, and the
oted for for such office, and
of votes by tallies, as they
e inspector or judge. The
l be continued, without ad-
ve been counted.
ll the votes are read off and
hall be indorsed on each of
the poll list and tallies, or
ng the number of votes each
eceived, and designating the
ch person was voted for,
be written in figures and
Each certificate shall be
dge, and inspector. One of
the poll list and tally paper
d, shall be retained by the
preserved for six months.
rung upon a thread by the
unting thereof, in the order
ered upon the tally list by
ballots, together with the
tes, with the poll list and
is attached, shall be sealed
presence of the judges and
Election returns of (naming
and be directed to the sec-
directors, and shall be im-
y the inspector or by some
sible carrier, designated by
secretary, and the ballots
ed for at least six months;
of the opinion that the vote
not been correctly counted.
day appointed for the board
nd canvass the returns, and
the vote of such precinct.
ry of the board of directors
result is declared, enter in
oard a statement of such re-

First—The whole number of votes cast in
district, and in each division of the district.
Second—The names of the persons voted fo
Third—The office to fill which each person
voted for.
Fourth—The number of votes given in each
cinct to each of such persons.
Fifth—The number of votes given in each d
sion for the office of director and for assessm
commissioner. The board of directors must
clare elected the persons having the highest nu
ber of votes given for each office. The secret
must immediately make out and deliver to s
person a certificate of election, signed by him,
authenticated with the seal of the board. In c
of vacancy in the office of assessment comm
sioner, the vacancy shall be filled by appointm
by the Board of Supervisors of the county wh
organization was effected. An officer appoin
as above provided shall hold such office until
next regular election for said district and until
successor is elected and qualified.
Sec. 11. On the first Wednesday in the mo
next following their election, the directors sh
meet and organize as a board, elect a presid
from their number, and appoint a secretary,
shall each hold office during the pleasure of
board. The board shall have the power, and
shall be their duty to manage and conduct the b
iness and affairs of the district; make and e
cute all necessary contracts, employ and appoi
when necessary, engineers to survey, plan, loca
and estimate the cost of the works necessary
drainage, and the land needed for right of w
including drains, canals, sluices, watergates, e
bankments, and material for construction, and
construct, maintain, and keep in repair all wo
necessary for the purpose of drainage, and gen
ally to perform all such acts as shall be necess
to fully carry out the purposes of this act. T
board may establish equitable by-laws, rules, a
regulations necessary or proper for carrying
the business herein contemplated.
Sec. 12. The board of directors shall hold regu
meetings at their office on the first Tuesday
March, June, September, and December, and su
special meetings as may be required for the pr

iness; provided, that all spe-
ordered by a majority of the
tered in the minutes specify-
transacted. Three days' no-
not joining in the order must
etary, and only the business
must be transacted at such
meetings of the board must
jority of members shall con-
the transaction of business.
eedings of the board must be
and all records of the board
ection during business hours.
ents and employés shall have
n any land, to make surveys,
ecessary drainage works, and
als, sluices, water-gates, and
e necessary branches for the
hich may be deemed best for
id board shall have the right
possess, either by donation,
nnation, any land or other
r the construction, use, main-
improvement of any works
pose of drainage as provided
ondemnation, the board shall
of the district under the pro-
of part three of the Code of
his State, which said provi-
e applicable for that purpose;
ared that the use of property
mned, taken, or appropriated
of this act, is a public use,
and control of the State in
d by law.

title to all property acquired
of this act shall vest in such
held by the same in trust for,
by dedicated and set apart to
es set forth in this act, and
authorized and empowered to
nanage, occupy, and possess
ein provided. The said board
and empowered to take con-
surances for all property ac-
e provisions of this act, in the
ct, to and for the uses and

purposes herein expressed, and to institut
maintain any and all actions and procee
suits at law, or in equity, necessary or prop
order to fully carry out the provisions of thi
and to enforce, maintain, protect, or to pr
any and all rights, privileges, and immunitie
ated by this act, or acquired in pursuance th
And in all courts, actions, suits, and procee
the said board may sue, appear, and defe
person or by attorney, and in the name o
drainage district.

Sec. 14. Upon the adoption of a plan of
age by the board of directors of any distri
ganized under the provisions of this act, said
shall prepare an assessment book for such di
with proper headings, in which must be list
lands within the district, specifying in se
columns and under appropriate heads:

First—The name or names of the owner o
ers to whom the land is listed. If the na
names is not known to the board, the land
be listed to "unknown owners."

Second—A description of each forty-acre
or lot by township, range, section, and frac
section, and when such tract or lot is not
gressional subdivision by metes and bou
other description sufficient to identify it,
the locality and an estimate of the numb
acres.

Third—City and town lots, naming the c
town, and the number and block, according
system of numbering or designating in suc
or town.

Said assessment book shall also contain
columns and headings for entries showing:

First—The amount of assessments as fix
the board of assessment commissioners or
forty-acre tract or lot, or fraction thereof.

Second—The amount of assessment fixed b
commissioners on each city and town lot.

Third—All changes made by the board of
ors in such assessments when acting as a bo
equalization.

Fourth—The total amount of all assessme
ter equalization by the board of directors.

Fifth—Such other matters as the board of
ors may require.

of directors shall deliver the
en completed, to the board
ssioners, together with a re-
estimated cost, including ex-
n and of purchases or con-
, of the work contemplated
ge adopted for the district,
t for repairs, and the inci-
ch district, for the ensuing
of assessment commission-
s soon as practical, proceed
e, and assess upon each for-
tion thereof, and each city
e district, an assessment in
e cost, as estimated by the
d the benefits to be derived
tract, fraction, city, or town
nount, estimated, in United
e proper column in the said
return the same, with the
the board of directors. The
ist immediately give notice
assessment, and of the time
d of equalization, will meet
s, by publication in a news-
h of the counties comprising
fixed for such meeting shall
nor more than twenty days
ion of the notice, and in the
ent book must remain in the
r the inspection of all per-

day specified in the notice
ding section for the meeting,
which is hereby constituted
on for that purpose, shall
session from day to day
s long as necessary, not to
ear and determine such ob-
on and assessment as may
to equalize the assessment
hange the valuation as may
of the board must be pres-
and note all changes made
in the names of the persons
essed; and within ten days
session he shall have the

total values and assessments, as finally equa
by the board, extended into columns and adde
The sums thus fixed against each forty-acre
or fraction thereof, and against each city and
lot, shall be the basis for all assessments w
such district for the next ensuing ten years;
vided, that the board of directors may there
whenever in their judgment a new assessme
all the land within the district becomes neces
order such new assessment to be made eith
the same board of assessment commissioners
a new board to be elected for that purpose a
next ensuing regular election in such district
the latter case, notice shall be given for the
tion of such board of assessment commissio
and such election shall be conducted in all res
as herein provided for the election of such
in the first instance.

Sec. 17. The board shall then determine th
tion of the costs and expenses estimated, as
vided in section fifteen of this act, it will be
sary to raise for the ensuing fiscal year, and
levy an assessment upon the equalized
charged upon each tract or lot listed in the a
ment book sufficient to raise the amount so
mined; and shall annually thereafter, whe
further assessments for such purposes are
sary, levy the same in like manner. The secr
of the board must compute and enter, in a
rate column of the assessment book, the respe
sums, in dollars and cents, to be paid on each
and lot therein enumerated. When collected
assessment shall be paid into the county tre
of the county where the district was orga
and the County Treasurer of said county is
by authorized and required to receive and re
for the same, and place the same to the cre
the district, in a fund to be called the "Fu
—— Drainage District," and shall be respo
upon his official bond for the safe-keeping an
bursement of the same, as in this act pro
He shall pay out of the same only upon war
of the board of directors, signed by the pres
and attested by the secretary. The treasurer
report in writing, at each regular meeting o
board of directors, and as often thereafter a
quested by the board, the amount of money i

receipts since his last report,
id out; such reports shall be
h the secretary of the board.
sment authorized by the pre-
lien against the property as-
r the date when the same is
the assessment book, as pro-
and such lien shall continue
t is paid, or the property as-
payment thereof.
Collector of the county where
nized is hereby constituted ex
or the district, and the secre-
f directors must, as soon as
same is completed, deliver to
the assessment book, who is
nd directed to receive and re-
nd within ten days thereafter
newspaper published in each
portion of the district may
nents are due and payable at
before paid, will become de-
k P. M. on the last Monday in
after, when five per cent will
nt thereof, which notice shall
riod of four weeks. The col-
e date of payment of any as-
sessment book opposite the
paying, or the property on
aid, and give a receipt to the
h payment, specifying the
sment and the amount paid,
f the property assessed. On
December, at six o'clock P. M.
npaid assessments are delin-
er the collector must collect
of five per cent for the use

ore the first day of February,
publish the delinquent list,
the names of the persons, or
e the same is not known, and
property delinquent, and the
ments and costs due opposite
cription. He must attend to
e delinquent list, a notice that
t assessments, together with

costs and percentage, are paid, the proper
sessed will be sold at public auction. The
cation must be made once a week for thre
cessive weeks, in a newspaper in each cou
which the property on which the assessment
linquent is situated. The publication must
nate the time and place of sale. The time o
must not be less than twenty-one nor mor
twenty-eight days from the first publicatio
the place must be in front of the court-ho
the county where the district was organized

Sec. 21. The collector must collect, in ad
to the assessments due on the delinquent li
five per cent added, fifty cents on each lot,
or tract separately assessed, one-half of
must go to the district and the other to the
tor for preparing the list. On the day fix
the sale, or some subsequent day, to which h
have postponed the sale, of which he mus
notice, the collector, between the hours
A. M. and three o'clock P. M., must commen
sale of the property advertised, commencing
head of the list and continuing alphabetica
in the numerical order of the lots or blocks
completed. He may postpone the day of
mencing sales or sale from day to day, b
same must be completed within three week
the day first fixed. If any sale or sales be
by judicial process, the time of such stay
part of the time limited for making such
sales.

Sec. 22. The owner or person in possess
any property offered for sale for assessmen
thereon, may designate in writing to the col
prior to the sale, what portion of the prope
wishes sold, if less than the whole; but i
person does not, then the collector may des
it, and the person who will take the least qu
of the land, or in case an undivided interest
sessed, then the smallest portion of the in
and pay the assessments and costs due, inc
two dollars to the collector for the duplica
tificate of sale, is the purchaser. If the pur
does not pay the assessments and costs befo
o'clock A. M. the following day, the prope
the next sale day must be resold for the
ments and costs. In case there is no purch

roperty on the first day it is
n when the same is offered
nd there is no purchaser in
e property assessed shall be
inage district, within which
lot is situated, as the pur-
icate certificate of sale deliv-
of the district, and filed by
charge shall be made for the
where the district is the pur-
ase the collector shall make
ie district," and he shall be
ount thereof in his settlement.
as purchaser, at such sale,
ne same rights as an individ-
e title so acquired by the dis-
right of redemption herein
veyed by deed, executed and
e president and secretary of
s; provided, that authority to
nfirmed by resolution of the
s minutes, fixing the price,
sonable market value of the
not be sold at less than the
eiving the amount of assess-
collector must make out in
e, dated on the day of sale,
) the name of the person as-
of the land sold, the amount
t was sold for assessments
d year of the assessment, and
when the purchaser will be
he certificate must be signed
one copy delivered to the pur-
r filed in the office of the
he county in which the land

elivering any certificate the
ook, enter a description of the
ding with the description in
date of the sale, purchasers'
aid, regularly number the de-
rgin of the book, and put a
er on the certificate. Such
to public inspection without
urs when not in actual use.
te with such County Record-

er, the lien of the assessments vests with the pu
chaser, and is only divested by payment to hi
or to the collector for his use, the purchase mone
and two per cent per month from the day of sa
until redemption.

Sec. 24. A redemption of the property sold m
be made by the owner, or any party in intere
within twelve months from the date of purchas
redemption must be made in gold or silver co
as provided for the collection of state and coun
taxes, and when made to the collector he mu
credit the amount paid to the person named
the certificate, and pay it on demand to such pe
son or his assignee. In each report the collect
makes to the board of directors, he must name t
person entitled to redemption money, and t
amount due to each. On receiving the certifica
of sale, the County Recorder must file it, and ma
an entry in a book similar to that required of t
collector. On presentation of the receipt of t
person named in the certificate, or of the collect
for his use of the total amount of redempti
money, the Recorder must mark the word "r
deemed," the date, and by whom redeem
on the certificate, and on the margin
the book where the entry of the certificate
made. If the property is not redeemed with
twelve months from the same, the collector or h
successor in office must make to the purchaser
his assignee, a deed of the property, reciting
the deed substantially the matters contained
the certificate, and that no person redeemed t
property during the time allowed by law for
redemption. The collector shall receive from t
grantee, for the use of the district, two dollars f
making such deed.

Sec. 25. The matter recited in the certificate
sale must be recited in the deed, and such de
duly acknowledged or proved is prima facie ev
dence that:

First—The property was assessed as required b
law.

Second—That the property was equalized as r
quired by law.

Third—That the assessments were levied in a
cordance with law.

Fourth—The assessments were not paid.

per time and place the prop-
cribed by law, and by the

perty was not redeemed.
who executed the deed was

owledged or proved (except
l) is conclusive evidence of
roceedings from the assess-
assessment commissioners,
xecution of the deed. The
rantee the absolute title to
herein, free of all incum-
the land is owned by the
s State, in which case it is
f the right of concession.
ent book, or delinquent list,
fied by the collector, show-
s, against any property, is
f the assessment, the prop-
nquency, the amount of as-
paid, and that all forms of
ssessment and levy of such
complied with.
s sold for assessments cor-
roperty of a particular per-
e owner or supposed owner,
g to the ownership thereof,
lers it void or voidable.
Monday of each month, the
with the secretary of the
collected for assessments,
to the treasurer; and within
e must deliver to, and file
cretary a statement, under

f all transactions and re-
ttlement.
ney collected by him as col-

he office of the secretary on
eipt of the treasurer for the
llector shall be accountable,
for all moneys collected by
ul performance of all duties
this act.

Sec. 29. The board of directors shall have p
to construct the works necessary for drainage
poses across any street, avenue, highway, rail
canal, ditch, or flume which the route of said w
may intersect or cross, in such manner as to a
security for life and property; and shall re
the same, when crossed or intersected, to its
mer state as near as may be, or in such manne
not to have impaired, unnecessarily, its us
ness. Every company whose railroad, and
Board of Supervisors, where any public high
shall be intersected or crossed by said works,
unite with said board of directors in forming
intersections and crossings, and grant the p
lege aforesaid; and if said railroad company
said Board of Supervisors, or the owners and
trollers of said property, thing, or franchise
be intersected or crossed, and said board of di
ors, cannot agree upon the amount to be paid t
for, or the points or manner of such crossing
intersections, the same shall be ascertained
determined in all respects as herein provided i
spect to the taking property by condemna
The right of way is hereby given, dedicated,
set apart to locate, construct, and maintain
necessary drainage works over and through
lands which are now or may be the propert
this State.

Sec. 30. All claims against the district mu
presented to the board for audit and allow
and if legal charges against the district, the
must be paid by the treasurer, on warrants o
district, signed by the president of the board,
countersigned by the secretary; provided, tha
board shall not have power to audit or allow
claim against the district, or to draw any wa
for the payment of the same, which shall ex
in any fiscal year the revenue provided for
fiscal year.

Sec. 31. Each member of the board of dire
shall receive three dollars per day for each
attendance at the meetings of the board, and
tual and necessary expenses paid while eng
in official business under the order of the b
The board shall fix the compensation of the as
ment commissioners, secretary, treasurer, and
lector, which shall be paid out of the treasu

anner as other expenses are

e provisions of this act shall
aling or in anywise modify-
any other act relating to the

all take effect from and after

ystem of drainage for agri-
nd overflowed lands.

3, 1881; Stats. 1881, 15.]

er two or more landowners
d of Supervisors for a ditch,
ourses, defining the place of
ds through which it or they
utlets, and state their esti-
ll give said Supervisors good
or the payment of all costs
ovided said petition should
Supervisors shall, within
esentation of said petition,
hearing of the same; they
e published, in some news-
al circulation in the county,
together with the time and
answer said petition.

visors shall also direct the
rvey the line of said propos-
taking notes of the descent
t to them on or before said
escent, if any, between the
d ditch, together with a list
ades, and the lands or inter-
reby, and such other inform-
der his notice on the subject.
es or drains, when practica-
ted on section or subdivision

petitioners.
ay of hearing, the Supervis-
tion of said ditch impractic-

able, for causes hereinafter described, the
shall be collected from the petitioners or
bondsmen.

When ditch to be constructed.

Sec. 4. If the Supervisors shall, on hearin
petition, find that the construction of the
would be conducive to the general welfare o
landowners so petitioning, and not inconsi
with the rights and privileges of other contig
territory, to construct drains or ditches, and
surveyor reported sufficient fall to make the
available, then the supervisors shall, in thei
cretion, grant the prayer of the petitioners,
shall proceed to examine the lands affected
and shall cause said ditch to be surveyed,
stakes set every one hundred feet, and ca
journal to be made of the depth and width
excavated at each stake.

Apportionment of work.

Sec. 5. Said Supervisors shall then apportio
excavation of said ditch to the lands affected
by, according to the benefits received, after
to the owners of the time of making such
tionment, and giving to each a hearing. They
also, in like manner, apportion the cost of loc
including right of way (when not donate
lawful money of the United States, and sha
point a day for the hearing of exceptions
apportionment. On the second hearing they
apportion the cost and labor of said ditch
land affected thereby; but no Supervisor w
directly or indirectly interested in such ditch
take part in such apportionment.

Notice to landowners.

Sec. 6. The board shall then give notice, in
ing, to all the resident landowners of the p
ditch apportioned to them, as described b
stakes and their numbers, and of the specific
of the ditch, and also of the costs in money
portioned to them; and if any of the own
lands affected thereby are non-residents o
county, they shall cause to be printed, in a c
newspaper having a general circulation, a co
said apportionment, together with the tim
for the completion of the work.

et for the completion of the
after as practicable (which
nable time), said Supervis-
amine said ditch or ditches,
, any portion thereof shall
rding to the specifications,
erson to whom said portion
lete the same within such
gnate. If not so completed
e time specified, said Board
lvertise the construction of
notice in three conspicuous
tory affected by said ditch.
in said notice, said Super-
let the same to the lowest
o shall give such bonds as
id board, and shall proceed
s to the satisfaction of said
eed upon. The board shall
work to the county audi-
e amount thereof to be en-
of the county, and the same
l lands, which amount shall
as other taxes, and paid to
uch work.

Treasurer shall place such
each respective ditch fund,
same on warrants drawn
visors. The treasurer shall
on for his services one per
him disbursed under this

charge.
and drains constructed
this act shall be in charge
hrough whose district such
The Board of Supervisors
in December of each year,
keep all ditches and drains
isions of said act clean and
and graded to the original
he period of one year. Said
y publication in some paper
published in said county,

for at least two months before the monthly
ing of said board in January. At which ti
bids for doing said work shall be opened a
contract awarded to the lowest responsible
whose bid shall have been accompanied by
tified check for at least twenty-five per c
his bid, and which shall be forfeited to the
if he shall fail, refuse, or neglect to file a
with two sufficient sureties, payable to said
ty within ten days. Any bidder to whom a
tract has been awarded, who shall fail, ref
neglect to file the bond required by this act
be awarded to the next lowest responsible
and so on until all bidders have had an
tunity of complying with their bid, and the
fied check of each bidder who shall have
portunity to take such contract shall be fo
to the county, and each bidder except th
shall file his bond within ten days after
ing notice that he has been awarded the co
If all the bidders shall fail, refuse, or neg
file a bond and to complete said work, the
shall have power to enter into a contract wi
responsible party without advertising; pro
they shall have no power to award the co
for a greater sum than twenty-five per cen
than the lowest bid received upon such adv
ment. The amount of said contract shall be
against the lands in accordance with the
tionment when such ditch was originall
structed, and shall be collected by the Tax
tor at the same time and in the same man
the state and county taxes are collected. [A
ment approved March 27, 1897; Stats. 1897,
clxiv.]

Encroachments or obstructions.

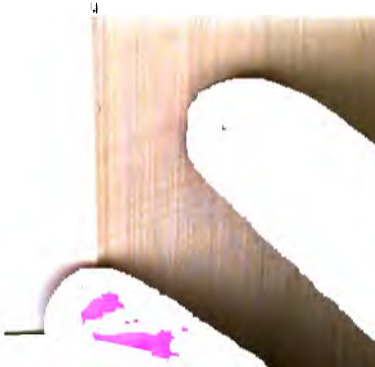
Sec. 10. Any person causing an encroachm
obstruction to any ditch or drain created und
provisions of this act, and failing to remo
same for the space of twenty-four hours af
tice shall have been given to such person
road-master, if he can be found in the c
otherwise by posting by him, at or nea
place of encroachment or obstruction, may be
not exceeding two hundred dollars, or impr
not more than thirty days in the county jail,

prisonment. The fines so col-
to the credit of the district
encroachment or obstruction
gs for such offenses may be
of competent jurisdiction.

sions of this act shall not be
rmit waters to be carried out
e to augment other streams
ge of the residents along the
or drains so augmented.

the board of supervisors can-
sonable price, or procure the
ure the consent of all parties
connect with any existing
president of the board may
he same under the provisions
I., of the Code of Civil Pro-
ents thereto, which are now
fter be made, at the expense
oning.

shall take effect and be in
its passage.



TITLE 75.

EDUCATION.

See Colleges.

An Act to encourage and provide for the disse
ination of a knowledge of the arts, scienc
and general literature, and the founding, ma
taining, and perpetuating public libraries, n
seums, and galleries of art, and the receipt
donations and contributions thereto when
tablished; for the conveyance, holding, a
protection of real property within this st
suitable for the purposes herein designat
and the erection thereon of buildings app
priate to such purposes, and for the creation
trusts necessary or proper for the better pr
ervation of such institutions, and the cont
and management thereof.

[Approved March 5, 1887; 1887, 26.]

Manner of conveying gifts for dissemination knowledge of arts, etc.

Section 1. Any person intending in his lifeti
or by will or trust deed, to operate, after his dea
to found, maintain, and perpetuate in this stat
public library, museum, gallery of art, or any
all thereof, for the diffusion of mechanical, sci
tific, artistic, and general knowledge, may to t
end and for such purpose, and for any purp
within the purview of the title of this act, con
in writing by words denoting a gift or grant
one or more trustees named in such gift or gra
and to their successors, any library or collection
books and works for such public library, or s
museum, or gallery of art in this State, and su
gift or grant may also express and shall be c
strued to be a conveyance of the future additi
and accretions thereof; and he may also in l
manner, to that end, and for such purpose, con
by grant to such trustee or trustees any real pr
erty within this State belonging to him, wh
may be necessary or proper for the erection

dings suitable to such institu-
dings erected thereon, with
y adjacent thereto, and other
d hereditaments for the pur-
n income for the support and
institutions, or any of them,
rdens which may be imposed
foundation as part and parcel
or its conduct, and also per-
descriptions, which may sub-
f the institution and mainte-
brary, museum, or gallery of

n founder.
butions or gifts by any other
nder, or any property suitable
or support of any institution
le of this act, shall immedi-
rustees, and become incorpo-
ct to the trust, and to all its
s, and be managed under the
s prescribed therefor.
n making such gift, grant, or
der, may therein designate,—
which the institution so found-
shall be known.
ct, and purposes.
l duties of the trustees, which
e of other powers and duties
nent, may be necessary more
out the purposes of such insti-

manner and by whom the suc-
es named in the gift or grant

regulations for the manage-
ution, and the furtherance of
grantor may elect to prescribe;
regulations shall, unless the
e prescribe, be deemed advis-
not preclude such trustees or
n making such changes as new
n time to time, require.
places where the necessary
rected, and the general charac-
rson making such grant may

therein provide for all other things necessary an proper to carry out the purposes thereof, or othe wise, by his last will or testament.

Sec. 4. The trustees named in such gift or gran and their successors, may, in the name of such i stitution designated in the gift or grant, sue an defend in relation to the trust property, and to a matters affecting the institution so founded an established.

Privileges granted to founder.

Sec. 5. By a provision in such gift or grant, t founder may elect, in respect to the personal an real property conveyed, and the additions and i crease thereof, and in respect to the erection, mai tenance, and management of any buildings auxi ary thereto, and in respect to any property co nected with such institution, to reserve to himse a veto and right of annulment or modification any act of such trustees, in case he shall, with thirty days after notice of the performance of su act, file in the office of said trustees, or deliver their president or principal officer, a notice in wr ing, of such veto, annulment, or modification, a upon a like notice, in conformity with a provisi in such gift or grant, he may elect to perfor during his life all the powers which, by the ter thereof, are vested in or enjoined upon the tr tees therein named, and their successors; provid that upon the death or disability to act of t founder and grantor, such powers and duties sh be devolved upon, and be exercised by, the tr tees named in the gift or grant, and their succe sors. Such person may also reserve the right alter, amend, or modify, at any time during l life, or by his last will and testament, the ter and conditions thereof, and the trusts therein e ated in respect to such institution, its buildin and the property conveyed therefor.

Election of officers and compensation.

Sec. 6. The founder shall have power in a deed of trust to name and describe the charac and personality of any one or more of the imme ate or future trustees, the librarian, and other o cers, and to name and impose any particular du to be performed by any one or more trustees other officers so described and characterized, a

any compensation, and fix the
od of such compensation he
ide for any such trustee or
the terms of his foundation
d upon whom specific or gen-
imposed.

gift or grant may be executed,
ecorded in the manner now or
y law for the execution, ac-
recording of grants of real

suit.
ction, or proceeding shall be
tained by any person to set
ct said gift, grant, or convey-
title to the property conveyed,
possession or to the rents, is-
reof, unless the same be com-
years after the date of the fil-
r record.
ath to State of California.
n, being the founder, making
ny of the purposes mentioned
any time thereafter, by last
evise or bequeath to the State
any of the property, real, and
in such gift or grant, or in
ital thereto, and such devise
ke effect in case, from any
gift or grant shall be annulled
trusts therein declared shall
Such devise or bequest is
e made by way of assurance
f the grantor shall be carried
that the State, in case it shall
rty, or any part thereof, will,
alue of such property, carry
e objects and purposes of any
wishes and intentions of the

of provisions.
visions of this act shall be
with a view to effect its ob-
and the singular number in
ereof shall be deemed to in-

clude the plural, and the plural number shall b
deemed to include the singular.

Universities, colleges, schools, etc.

Sec. 11. Nothing in this act shall repeal, mo
ify, change, or have any effect upon any of the pr
visions of an act of the legislature of the State
California entitled "An Act to advance learnin
the arts and sciences, and to promote the publ
welfare by providing for the conveyance, holdin
and protection of property, and the creation
trusts for the funding, endowment, erection, an
maintenance, within this State, of universities, co
leges, schools, seminaries of learning, mechanic
institutes, museums, and galleries of art," appro
ed March ninth, eighteen hundred and eighty-fiv

Sec. 12. This act shall take effect immediatel

An Act to advance learning, the arts and science
and to promote the public welfare, by provi
ing for the conveyance, holding, and protecti
of property, and the creation of trusts for t
founding, endowment, erection, and maint
nance within this State of universities, co
leges, schools, seminaries of learning, mechan
cal institutes, museums, and galleries of art

[Approved March 9, 1885; 1885, 49.]

Construction of act.

Section 1. The provisions of this act shall
liberally construed with a view to effect its o
jects and promote its purposes, and in the co
struction thereof the singular number shall
deemed to include the plural, and the plural sha
be deemed to include the singular number, and t
masculine gender shall be deemed to include t
feminine.

Grant.

Sec. 2. Any person desiring in his lifetime
promote the public welfare by founding, endo
ing, and maintaining within this State a unive
sity, college, school, seminary of learning, mecha
cal institute, museum, botanic garden, public par
or gallery of art, or any or all thereof, may, to t
end and for such purpose, by grant in writi
convey to a trustee, or any number of truste

(and to their successors), any
sonal, belonging to such per-
being within this State; pro-
person be married, and the
ity property, then both hus-
join in such grant. [Amend-
h 31, 1891; Stats. 1891, 454.]

on making such grant may

ct, and purposes of the insti-
to be founded, endowed, and

which it or they shall be

duties of the trustees, and
they shall account, and to
be required; but such powers
be held to be exclusive of
ties which may be necessary
es to fully carry out the ob-

anner, and by whom, the suc-
e or trustees named in the
nted;
regulations for the manage-
conveyed as the grantor may
t such rules shall, unless the
escribe, be deemed advisory
preclude such trustees from
as new conditions may from

ces where and the time when
ry and proper for the insti-
s shall be erected, and the
thereof. The person making
erein provide for all other
proper to carry out the pur-
pecially may such person pro-
and professions which shall
titutions, and the terms upon
lars of the public and private
s counties of this State may
ne privileges of such institu-
for meritorious conduct and
d also for maintaining free
ren of persons who have ren-

dered service to or who have died in the servic
this State; and also for maintaining free sch
ships for children of mechanics, tradesmen,
laborers, who have died without leaving m
sufficient to give such children a practical ed
tion, fitting them for the useful trades or arts;
also the terms and conditions upon which stud
in the public and private schools, and other
serving persons, may, without cost to themse
attend the lectures of any university establis
and also the terms and conditions upon which
museums, and art galleries, and conservatori
music, connected with any such institution,
be open to all deserving persons without ch
and without their becoming students of the
tution.

Actions by trustees.

Sec. 4. The trustee or trustees named in
grant, and their successors, may, in the nam
the institution or institutions, as designate
such grant, sue and defend, in relation to the
property, and in relation to all matters affe
the institution or institutions endowed and e
lished by such grant.

Grantor as trustee.

Sec. 5. The person making such grant, by a
vision therein, may elect, in relation to the
erty conveyed, and in relation to the erec
maintenance, and management of such institu
or institutions, to perform, during his life, al
duties and exercise all the powers which, by
terms of the grant, are enjoined upon and v
in the trustee or trustees named. If the pe
making such grant, and making the election a
said, be a married person, such person may
ther provide that if the wife of such person
vive him, then such wife, during her life, ma
relation to the property conveyed, and in rel
to the erection, maintenance, and manageme
such institution or institutions, perform all th
ties and exercise all the powers which, by
terms of the grant, are enjoined upon and v
in the trustee or trustees therein named; ar
all such cases the powers and duties conferred
imposed by such grant upon the trustee or tru
therein named shall be exercised and perfo

g such grant, or by his wife,
fe, as the case may be; pro-
upon the death of such per-
g wife, as the case may be,
ities shall devolve upon and
y the trustees named in the
cessors.

n making such grant may
ight to alter, amend, or mod-
onditions thereof, and the
ed, in respect to any of the
r referred to in subdivisions
, of section two hereof; and
erve the right, during the life
ersons, of absolute dominion
roperty conveyed, and also
, and profits of the real prop-
ut liability to account there-
hatever, and without any lia-
ne estate of such person; and
e married, such person may,
r provide that if his wife sur-
wife, during her life, may
lute dominion over such per-
uch rents, issues, and profits,
account therefor in any man-
vithout liability over against
f the spouses.

n making such grant may
at the trustees named in the
cessors, may, in the name of
stitutions, become the custo-
f minors, and when any such
a grant, the trustees and their
such custody and control in
the time and in accordance
of sections two hundred and
ndred and seventy-six, inclu-
de of the state of California.

grant may be executed, ac-
orded in the same manner as
law for the execution, ac-
recording of grants of real

Annulling grant.

Sec. 9. No suit, action, or proceeding sha commenced or maintained by any person t aside, annul, or affect said conveyance, or to a the title to the property conveyed, or the rig the possession, or to the rents, issues, and p thereof, unless the same be commenced w two years after the date of filing such gran record; nor shall any defense be made to any action, or proceedings commenced by the tr or trustees named in said grant, or their su sors, privies, or persons holding under t which defense involves the legality of said g or affects the title to the property thereby veyed, or the right to the possession, or the i issues, and profits thereof, unless such defe made in a suit, action, or proceeding comme within two years after such grant shall have filed for record.

Exemption from execution.

Sec. 10. The property conveyed by such shall not, after a lapse of two years from the of the filing for record of the grant, be subje forced sale, under execution, or judicial pro ings of any kind, against the grantor or his pr unless the action under which the execution be issued, or the proceedings under which th shall be ordered, shall have been comm within two years after such grant shall have filed for record. Nor shall such property be ject to execution or forced sale under any ment obtained in any proceedings instituted in said two years, if there be other property o grantor, subject to execution or forced sale cient to satisfy such judgment; provided, no in this section contained shall be construed t fect mechanics' or laborers' liens.

Request to state.

Sec. 11. Any person or persons making such grant may, at any time thereafter, by will or testament, devise and bequeath to the of California all or any of the property, real personal, mentioned in such grant, or in any plemental grant, and such devise or bequest only take effect in case, from any cause what the grant shall be annulled or set aside, o

d shall for any reason fail.
uest is hereby permitted to
ssurance that the wishes of
rs shall be carried out, and
state, in case it succeeds to
part thereof, will, to the ex-
n property, carry out, in re-
and purposes of any such
nd intentions of the grantor
that no wish, direction, act,
l, made, or given by any
der or by virtue of this act,
tion to be given in such
ary, mechanical institute,
art, or in respect to the ex-
ef, on the part of any pupil
ol or institution of learning,
he state; nor shall the state
be enforced or carried out,
on, act, or condition.
hall be in force from and

TLE 76.

ADO COUNTY.

acts relating to El Dorado
n Deering's Annotated Pe-

TLE 77.

CTIONS.

Penal Code, Appendix, title,
tical Code, Appendix, title,

TITLE 78.

EMIGRATION.

An act to promote emigration from the s
California.

[Approved March 26, 1880; 1880, 15 (Ban. e

To promote emigration from the state.

Section 1. It shall be unlawful for the
officers, agents, or employees of any ste
company, sailing vessel, or railroad comp
firm or corporation, that may be engaged
state in the transportation of passengers
from any foreign port, to withhold or refu
person or persons the right to purchase a
ticket or tickets to any foreign country
reason that he or they have not presented
icate, card, or other document whatsoeve
ing that such person has paid in full, or
any or all dues, debts, or demands, or oth
or any sum whatsoever, to any society, co
corporation, association, or individual,
and any person or corporation who shall
the provisions of this section, or in pursu
any agreement, oral or written, refuse t
passage ticket to any person to any foreig
try, shall be guilty of a misdemeanor, a
conviction, shall be punished by a fine of
than one hundred nor more than five hund
lars; provided, that nothing in this sectio
be construed in any manner to apply to a
port or other document required by law to
sented, having the signature or seal of a
eign consul resident within this state.

Sec. 2. This act shall take effect on a
its passage.

TITLE 79.

ESTATES OF DECEASED PERSO

Acts relating to: See Code of Civil Pr
Appendix, title, Estates of Deceased Per
814.

ITLE 80.

STRAYS.

rays, and repealing all other acts now in force relating to

h 27, 1897; Stats. 1897, chap. xxxvii.]

ate of California, represented sembly, do enact as follows:

rson finding at any time any al or animals upon his premcent thereto may take up the shall remove them from the er-up, or from the possession n they may have been delivnafter provided.

taking up an estray animal fine the same in a secure days file with the county reaty in which such estray is ning a description of the aniken up, with the marks and any, together with the probnimal, and a statement of the r-up found, and where he has The county recorder shall renotice the sum of fifty cents. e within thirty days from the the notice specified in section person claiming such estray hall appear before a justice of wnship wherein said animal nd, and make claim for such nals. The justice shall enter ocket, and shall notify the five days after the making of ice shall hear the claim and be produced by either party, the case according to the , both with reference to the ssion of the estray animal or

animals, and the compensation to be paid
taker-up and the cost of the proceedings.
compensation shall be estimated as follow
1. The total amount paid by the take
the county recorder.
2. The sum of fifteen cents per day
keeping and care of each horse, mule, jenn
cow, bull, ox, steer, or calf.
3. The sum of five cents per day for th
of each sheep, goat, hog, or other animal no
inbefore specified.
The sum of one dollar shall be paid to t
tice of the peace, by the party or parties
such claim, for each claim made and ente
him as aforesaid, which shall be in full c
sation for all services rendered by him in
tion with each claim so made.
Sec. 4. If the owner does not appear and
the animal or animals taken up within thirt
after the filing of the notice hereinbefor
tioned, then the taker-up shall, in writing,
a constable of the township in which said
or animals are held, which notice shall
that he has complied with all of the provis
this act, and that the owner of said animal
mals has failed to appear and claim the s
herein provided, and that such animal or a
are held by him subject to sale. Said co
shall immediately proceed to sell such ani
animals at public sale, in conformity with t
concerning sales on execution, and shall be
to the same fees as are provided by law fo
under execution.
Sec. 5. Out of the money realized for the
estrays, the constable shall first retain hi
he shall then pay to the taker-up his costs
penses estimated as provided in section t
this act, or so much thereof as the funds
hands will permit, and the surplus, if any,
pay to the county treasurer, to be held by
the owner of the estray or estrays, for w
was received in payment. If any person
sons shall, within one year thereafter, pr
the satisfaction of the board of supervisors
county in which the estray or estrays wer
that he or they are entitled to the sum
by the county treasurer, or any part there

sors shall order such sum to
person or persons; and if
ne year, then the same shall
common school fund of said

ade by any constable, under
act, shall convey a good and
haser, and the owner of the
ereafter be barred from all
same.
p of an estray animal or ani-
nable care to preserve the
if any estray animal or ani-
from the possession of the
before the expiration of the
ion three of this act, the
held liable in any manner
imal.
his act shall affect the laws
e or which may be in force
ne poundkeeper or other
ne limits of any city or town
estrays are in force.
cts and parts of acts relat-
force, are hereby repealed.
hall take effect from and

former acts relating to
d in Deering's Annotated
seq.

TLE 81.

PLOSIVES.

e and property against the
ious use or handling of dyna-
xplosives.

ch 12, 1887; 1887, 110.]

duty of each and every per-
association, joint stock com-

pany, and corporation, manufacturing, s
selling, transferring, disposing of, or in any
ner dealing in or with, or using or givin
nitro-glycerine, dynamite, vigorite, hercules
der, giant powder, or other high explosi
whatever name known, to keep at all times
curate journal, or book of record, in which
be entered, from time to time, as they are
each and every sale, delivery, transfer, g
other disposition made by such person, firm
ciation, joint stock company, or corporation,
course of business or otherwise, of any qu
of such explosive substance.

What record must show.

Sec. 2. Such journal or record book must
in a legible handwriting to be entered t
at the time, a complete history of each
action, stating the name and quantity of t
plosive sold, delivered, given away, transfer
otherwise disposed of; the name, place o
dence, or business of the purchaser or tran
the name of the individual to whom del
with his or her address, with a description o
individual sufficient to provide for identifica

Records subject to examination of peace offi

Sec. 3. Such journal or record book m
kept, by the person, firm, association, join
company, or corporation so selling, deliver
otherwise disposing of such explosive subst
substances, in his or their principal office o
of business, at all times subject to the ins
and examination of the peace officers or ot
lice authorities of the state, county, city an
ty, or municipality where the same is situa
proper demand made therefor; any failure
lect to keep such book, or to make the pro
tries therein at the time of the transact
herein provided, or to exhibit the same
peace officers or other police authorities
mand, shall be deemed a misdemeanor, a
ished accordingly.

Forfeiture in addition to punishment.

Sec. 4. In addition to such punishment,
a cumulative penalty, such person, firm,
tion, joint stock company, or corporation
fending, shall forfeit, for each offense, the

two hundred and fifty dollars, to be recovered in any court of competent jurisdiction, by action at law. The party so instituting such actions shall not be entitled to dismiss the same without consent of the court before which the suit has been instituted. Nor shall any judgment recovered be settled, satisfied, or discharged, save by order of such court, after full payment into court, and all moneys so collected shall be paid to the party bringing the suit.

Prohibiting reckless possession of explosives.

Sec. 5. Any person who, in the public street or any highway or any county, city and county, city, or town or city, or at, in, or near to any theater, hall, public or private, school, college, church, hotel, or other public building, or at, in, or near to any private habitation or in, on board of, or near any railway passenger train, or car or train, or cable road, or car of the same, or steam or other vessel, engaged in carrying passengers, or ferryboat, or other public place where human beings ordinarily pass and repass, shall recklessly or maliciously have in his or her possession any dynamite, nitroglycerine, vigorite, hercules powder, giant powder, or other high explosive, or who shall recklessly or maliciously by use of such means intimidate, terrify, or endanger any human being, is guilty of a felony, and on conviction shall be punished accordingly.

Defining reckless possession.

Sec. 6. Any person not regularly engaged in the manufacture, sale, transportation, or legitimate use in blasting operations, or in the arts, of such substances as are named in this act, shall be presumed (prima facie) to be guilty of a reckless and malicious possession thereof, within the meaning of the foregoing section, if any such substance is found upon him, or in his possession, in any of the places, or under any of the circumstances specified in the preceding section.

Punishment for unlawful possession.

Sec. 7. No person may knowingly keep or have in his or her possession any dynamite, vigorite, nitro-glycerine, giant powder, hercules powder, or other high explosive, except in the regular course of business carried on by such person, either as a

manufacturer thereof or merchant dealing in
same, or for use in legitimate blasting operati
or in the arts, or while engaged in transpor
the same for others, or as the agent or empl
of others engaged in the course of such busi
or operations. Any other possession of any s
explosive substances as are named in this a
unlawful; and the person so unlawfully posses
it shall be punished by imprisonment in the s
prison not exceeding five years, or by fine not
ceeding five thousand dollars, or by both such
and imprisonment.

Malicious deposit.

Sec. 8. Any person who maliciously deposit
explodes, or who attempts to explode, at, in,
der, or near any building, vessel, or boat, railr
tramroad, or cable road, or any train or car
any depot, stable, car house, theater, school ho
church, dwelling house, or other place where
man beings usually inhabit, assemble, frequen
pass and repass, any dynamite, nitro-glycer
vigorite, giant or hercules powder, gunpowde
other chemical compound, or other explosive,
the intent to injure or destroy such building,
sel, boat, or other structure, or with the inten
injure, intimidate, or terrify any human being
by means of which any human being is injure
endangered, is guilty of a felony, and on con
tion thereof shall be punished by imprisonmen
the state prison not less than one year.

Transportation of high explosives.

Sec. 9. Any person, firm, or corporation,
shall take, carry, or transport, or cause to be
en, carried, or transported, any dynamite, vigo
nitro-glycerine, hercules or giant powder, or o
high explosive, into the limits of, or through
across any incorporated city or town of this st
or into, through, or across any harbor for s
ping, in any manner, condition, or quantity,
otherwise, in violation of the laws or ordina
of such city or town, or of the laws or regulat
governing such harbor, shall, in addition to
penalties provided or imposed by such laws, or
auces, or regulations, forfeit to the state of C
fornia all such explosive substances, as well as
cases inclosing the same. Such forfeiture ma

citizen of the state, for himself
d the goods or property, when so
overed by judgment of the court,
the proceeds divided, the citizen
one-half to himself for his own
ng the other half into the state
action may be maintained in any
t jurisdiction; provided, that the
be liable to any cost or expense
or proceeding.
sue for forfeitures.
f the forfeitures provided for in
aken advantage of, and sued for
any peace officer or policeman,
olice force of any city, city and
where the same arises, for his
withstanding any law, ordinance,
trary.
ct shall take effect and be in
fter its passage.
relating to: See Penal Code, Ap-
losives, p. 546.

TITLE 82.

EATHER RIVER.

the bridge across Feather river,
m Fifth street, at the city of
the county of Yuba, to the op-
f the said river, a free bridge.
ch 31, 1891; Stats. 1891, p. 263.]

TITLE 83.

E-MINDED CHILDREN.

owing acts:
sh the "California Home for the
ning of feeble-minded children."
or the maintenance of the same.
March 18, 1885; 1885, 198.]

An act to provide a permanent site for the
fornia home for the care and training of f
minded children, to erect suitable buil
thereon, and making an appropriation the

[Approved March 6, 1889; 1889, 69.]

This act appropriated $175,000 for the pu
indicated.

An act to provide for the government and ma
ment of the California home for the car
training of feeble-minded children.

[Approved March 9, 1887; 1887, 69.]

This act was amended March 14, 1889, Stats
p. 155.

An act to provide a system of water supply
sewerage, and to improve the grounds o
California home for the care and traini
feeble-minded children, and making an a
priation therefor.

[Approved March 14, 1889; 1889, 175.]

The act appropriated fifteen thousand d
for the purpose indicated.

An act to provide for the erection of addi
buildings for the California home for the
and training of feeble-minded children, to
plete buildings now being erected, and t
propriate money therefor.

[Approved April 6, 1891; Stats. 1891, p. 48

One hundred and twenty-five thousand d
was appropriated for the purpose indicated

An act to provide for the erection of an addi
wing to the main building of the Cali
home for the care and training of f
minded children, at Glen Ellen, So
county, California, for the female depar
of said institution, to furnish the same, a
improve the grounds, and to appro
money therefor.

[Approved February 27, 1893; Stats. 1893, p

Ninety-eight thousand dollars was appropr
for the purpose indicated.

e and direct the sale of the site
of the California home for the
ng of feeble-minded children, in
unty.
19, 1891; Stats. 1891, p. 133.]

the board of supervisors of So-
California, right of way through
ie California home for the care
f feeble-minded children, to en-
d of supervisors to change the
public highway now traversing

23, 1893; Stats. 1893, p. 277.]

e, empower, and direct the Cali-
or the care and training of
children to admit idiots, epilep-
ally enfeebled paralytics into
; to provide for the support of
erein, and to repeal all acts or
conflict with the provisions of

arch 31. 1897; Stats. 1897, chap.
clxxxviii.].

TITLE 84.

FEES.

sh the fees of county, township
ers, and of jurors and witnesses

larch 28, 1895; Stats. 1895, chap.
ccvii.]

state of California, represented
assembly, do enact as follows:

following county, township and
l charge and collect the follow-

COUNTY CLERK.

On the commencement of any action or proc
ing in the superior court, except probate proc
ings, or on an appeal thereto, to be paid by
party commencing such action or proceeding
taking such appeal, five dollars.

On the filing of a petition for letters of adı
istration, testamentary or guardianship, five
lars, to be paid by the petitioner; provided,
at the time of filing the inventory and appra
ment in any such proceeding there shall be
additional deposit of one dollar for each a
tional thousand dollars of the appraised va
tion, in excess of three thousand dollars.

On filing the petition to contest any will or
icil, three dollars.

On the appearance of any defendant, or
number of defendants answering jointly, to
paid upon filing the first paper in the actior
him or them, two dollars.

On placing any action, excepting a probate
ceeding or default case, on the calendar for
or hearing, to be paid by the party at whose
quest such action or proceeding is so placed,
dollars.

For every additional defendant appearing
arately, one dollar.

The foregoing fees shall be in full for all
vices rendered by such clerk in the cause, to
including the making up of the judgment rol

On the filing of any notice of motion to
for a new trial of any civil action or proceed
the party filing same shall pay to the clerk, in
for all services to be rendered in connection
said motion, except as hereinafter in this sec
provided, two dollars.

For issuing an execution or order of sale in
action, one dollar.

In all proceedings begun or acts performed
to this act becoming a law, such fees and cha
as were provided by law at the time such proc
ings were begun or acts performed.

The clerk shall also charge and collect the
lowing fees and compensation not above prov
for:

For any copy of any record, proceeding, or

ne office of the clerk relating to
pending in said court, when such
him, per folio, ten cents.
ficate of the clerk, under the seal
enty-five cents.
h claim in probate or insolvency
een cents.
be allowed or charged by the clerk
lered in any criminal case.
endered by the clerk, not in con-
il actions or proceedings in court,
and collect, for the benefit of the
owing fees:
arriage license, one half to be paid
ecorder, two dollars.
indexing articles of incorporation,

l indexing certificates of co-part-
lar.
indexing all papers to be kept by
papers filed in actions or pro-
rt, and official bonds and certifi-
tment, each, twenty-five cents.
ny license required by law, other
icenses, one dollar.
; and certifying to a copy of any
proceeding prepared by another,
or his certificate, fifty cents, and
lio for comparing the said copy
l.
atisfaction of or credit on judg-
e cents.
and filing remittitur from su-
ty cents.
ring each oath, without certifi-
pending action or proceeding, ten

y affidavit, except in criminal
e cents.
d approving each undertaking,
ation thereof, except in criminal
s.
records or files, for each year,

knowledgment of any deed or
t, including the certificate, fifty

—28.

For filing notices of appeal and appeal b
each, twenty-five cents.

SHERIFF.

For serving any process, writ, order or
except as hereinafter provided, required by
to be served by the sheriff, fifty cents.

For serving a writ of attachment, executi
order for the delivery of personal property
dollar.

For taking any bond or undertaking, fifty

For serving an attachment or execution o
ship, boat or vessel, three dollars.

For keeping and caring for property und
tachment or execution, such sum as the court
fix; provided, that no greater sum than tw
lars per day shall be allowed to a keeper
necessarily employed.

For a copy of any writ, process or paper
ally made by him, when required or demande
cording to law, per folio, ten cents; provided
when correct copies are furnished to him fo
no charge shall be made for such copies.

For advertising sale of property and p
notice, exclusive of cost of publication, or fu
ing notice for publication, each, fifty cents.

For publication of notice in newspaper, th
sonable cost of publication, subject to the
proval of the court.

For serving writ of possession or restit
putting a person in possession of the premise
removing the occupant, one dollar and fifty

For subpoenaing witness, including copy o
poena, each, twenty-five cents.

For summoning trial jury of twelve or less
dollars; for each additional juror, ten cents.

For traveling in the service of any pap
quired by law to be served, for each mile ac
and necessarily traveled, one way only, f
cents, when such travel can be made by ra
other cases, twenty-five cents. No constru
mileage to be allowed.

For collecting money on execution, wi
without levy, one per cent. on the first thou
dollars or less, and one-half of one per cen
all sums over one thousand dollars.

delivering sheriff's deed, one
s.
delivering certificate of sale.

prisoners to the county jail,
ich transportation.
deliveriug any other instru-
folio.

ECORDER.

y instrument, paper or notice
be recorded, per folio, ten

y instrument, paper or notice,
cents.
strument for record and mak-
atries thereon, twenty cents.
ate under seal, twenty-five

f discharge, credit or release
record, and indexing same,

records of his office, for each

e, for each conveyance or en-
ve cents.
map or plat where the same
f record, for each course, ten

map or plat where the same
ok of record, fifty cents.
rs on maps or plats, per folio,
that the fees for recording
xceed fifty dollars.
cledgment of any instrument,

rriage license and certificate,
unty clerk, one dollar.
script and all services in
llar.
mark or brand, fifty cents.
each oath or affirmation and
twenty-five cents.
and keeping each paper not
e recorded, twenty-five cents.
nd recorder shall account for

all fees in this section provided for, and the
sheriff and recorder, unless otherwise provid
law, shall pay the same to the county tre
on the first Monday of the month following
collection, as provided in this act.

CONSTABLES AND MARSHALS.

For serving summons and complaint, for
defendant served, fifty cents.

For each copy of summons for service,
made by him, twenty-five cents.

For levying writ of attachment or executi
executing order of arrest or for the deliver
personal property, one dollar.

For serving writ of attachment or executi
any ship, boat or vessel, three dollars.

For keeping personal property, such sum
court may order; but no more than two
per day shall be allowed for a keeper when
sarily employed.

For taking bond or undertaking, fifty cent

For copies of writs and other papers,
summons, complaint and subpœnas, per fol
cents; provided, that when correct copies a
nished him for use, no charge shall be ma
such copies.

For serving any writ, notice or order,
summons, complaint or subpoenas, for eac
son served, fifty cents.

For writing and posting each notice of s
property, twenty-five cents.

For furnishing notice for publication, t
five cents.

For serving subpoenas, each witness, inc
copy, twenty-five cents.

For collecting money on execution, one a
half per cent.

For executing and delivering certificate o
fifty cents.

For executing and delivering constable's
one dollar and fifty cents.

For each mile actually traveled within his
ship in the service of any writ, order, or pap
cept a warrant of arrest, in going only, pe
twenty-five cents.

For traveling outside of his township to
such writ, order, or paper, in going only,

t a constable shall not be re-
side of his township to serve
der, or paper. No construct-

cessarily traveled within his
a warrant of arrest, both in
from place of arrest, fifteen

veled out of his county, both
from place of arrest, five
t no mileage shall be charged
est or criminal process served
ship, except such service be
by the district attorney of the
d further, that for traveling
of two or more official ser-
ime, including the service of
inal warrants, or transporta-
ged or convicted of a criminal
leage shall be charged; pro-
nal cases he shall not receive
red dollars in any one month,
one thousand dollars in any

earch warrant, such fees and
allowed for executing warrant

oner and bringing him into

jury, two dollars, including

prisoners to the county jail,
ch transportation.
board of supervisors may re-
ted to the county by justices
onstables for fees in criminal
proceedings in which the dis-
t, in writing, approved the is-
nt of arrest.
st, and township officers may,
t of all fees in civil cases, in

OF THE PEACE.

ace may, for their own use,
fees, and no others:
he peace shall be allowed, in

a civil action before him, for all services performed by him before trial, two dollars for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; provided, however, that no more than the sum of seventy-five dollars in any one month shall be allowed out of the county treasury, in misdemeanor cases, to any one justice.

For taking bail after commitment by a magistrate, fifty cents.

For certificate and transmitting transcript papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, where the coroner fails to act, the same fees and mileage are allowed the coroner in like cases.

For issuing each process, writ, order, or

matters and claims

; Stats. 1897, chap.

rnia, represented
ct as follows:

nsation shall
can affidavit
of a pen-
ucher, or
swear-
county
fter

r mile,

SS' FEES.

l attendance, when legally
n the superior court, per
l cases, and one dollar and
cases.
veled, one way only, per
ed, however, that in crimi-
em and mileage shall only
owing to the court, by the
e are necessary for the ex-
in attending, and the court
ecessity for the same, and
to a witness unnecessarily

dance upon justice's court,
hen legally required to at-
llar.
lly traveled, in civil cases
t, in going only, ten cents.
ases may demand the pay-
and fees for one day in ad-
demanded shall not be com-
l the same shall have been

a civil action before him
performed by him befor ONER.
for the trial and all
thereto, including a their own use, collect the fo
nesses and jury, an others:
issue of execution vices in holding an inquest, te
all cases where j
or confession, fo witness subpoenaed, twenty-fi
and satisfactio
For all serv ile necessarily traveled in going
ing, whether the inquest, twenty-five cents.
lars; provi cting or attending the interment of eac
sum of s on which an inquest has been held, tw
be allow which fees shall be all that he shall
meaning to charge.
For en acting as or in the place of the sheri
ma same fees as are allowed the sheriff for li
rvices.

PUBLIC ADMINISTRATOR.

The public administrator shall charge and co
lect such fees as are now or may hereafter be a
lowed by law.

COUNTY SURVEYOR.

The county surveyor shall charge and colle
such fees as are now or may hereafter be a
lowed by law.

Sec. 2. No fees or other compensation shall
paid for certificate of declaration to become
citizen of the United States, and for making
record thereof, or for issuing a certificate of ci
zenship to become a citizen of the United State
or for making a record thereof; and no fees
other compensation shall be paid for filing t
statement and affidavit of a committee or cand
date voted for at any public election held with
the state; and this section shall apply to all th
counties in this state.

Sec. 3. All acts or portions of acts inconsistet
herewith are hereby repealed.

Sec. 4. This act shall take effect immediatel

pension matters and claims

rch 3, 1897; Stats. 1897, chap. lxi.]

tate of California, represented ssembly, do enact as follows:

s or other compensation shall vices rendered in an affidavit ng to the securing of a pen- ment of a pension voucher, or thereto, nor filing, nor swear- demand against any county

hall take effect from and after

nd regulate the manner of re- ing fees, commissions, per- her compensation for official and cities and counties hav- of over one hundred thousand prescribing the duties of offi- ce thereto.

11, 1893; Stats. 1893, p. 127.]

lary of every officer of every ty of this state having a pop- hundred thousand inhabitants, is or hereafter shall be fixed full payment and compensa- performed by such officer in whatever; provided, that in now or shall hereafter be al- mpensation for his official ser- ess than one thousand dollars fees of his office, such compen- ry of less than one thousand nd the fees of his office, shall and compensation for all ser- such officer.

ried officers shall not receive payment, or compensation r indirectly, for any services

performed by them, in their official capac
any fee, payment, or compensation for any
service performed by any of their deputies
or employees, whether performed during
official business hours, nor shall any
clerk, or employee of such officer receive o
any fee, compensation, or payment, othe
their salaries as now or hereafter fixed
for any work or service performed by them
official nature, or under color of office,
performed during or after official business

Sec. 3. In all such cities or cities and
of this state, every fee, commission, perc
allowance, or other compensation whatev
thorized by law to be charged, received
lected by any officer thereof for any offic
vice, except the salary allowed by law,
from the treasury of such city or city and
must be paid, by the person for whom su
vice is performed to the treasurer of such
city and county, in the manner herein pro

Sec. 4. It shall be the duty of every of
such cities or cities and counties authori
law to charge, receive, or collect any fee, c
sion, percentage, allowance, or compen
whatever for the performance of an
ficial service or duty of any kind
ture, or rendered in any official ca
or by reason of any official duty o
ployment whatsoever, to deliver to the per
quiring such service or duty a certificate, i
ing, signed by such officer, which shall certi
nature of the official service to be performe
the amount of the fee, commission, perce
allowance, or compensation allowed by law
for. The person receiving such certificate
deliver the same to the treasurer of such
city and county, and shall pay to such tre
the amount named in such certificate, and
upon such treasurer shall deliver to such
a receipt for the money so paid, which shall
the amount of money received, the day and
when paid, the name of the person payin
same, the nature of the service to be perfo
and the name and official designation of th
son by whom the service is to be performed
like entries shall be made upon the stub of

ll be kept by such treasurer.
of such treasurer's receipt to
designated, such officer shall
son a certificate containing the
ear in such receipt, and ac-
elivery to him of such receipt,
our the same was delivered to
er shall thereupon perform the
such receipt described, as re-
e treasurer shall place all such
l by him to a fund, to be des-
portioned Fee Fund," which is
l shall keep such fund as other
ry are kept, and shall be liable
l for all moneys so received.
tor or other proper officer of
d county must prepare and de-
time, to the treasurer and to
ch city or city and county au-
charge any fee, commission,
nce, or compensation whatso-
mance of any official service or
r nature, as many official cer-
ts as may be required, charg-
r other officer receiving them
fficial certificates and receipts
books containing not less than
ertificates or receipts, and num-
, beginning with number one
ired for each officer for each
vided with a stub correspond-
h each certificate and receipt.
ontaining such certificates and
sted by the officer receiving
rn the stubs thereof to the au-
per officer, in whose custody
thereafter.
eceipt as herein provided is is-
rer of such city or city and
tate therein the date of pay-
the person making the pay-
unt of such payment, and the
vice for which the charge is
ne and official designation of
ng the service, and shall make
ies on the stub of such re-

Sec. 7. Whenever any certificate or rec
issued by any officer of such city or city an
ty, other than the treasurer thereof as here
vided, he shall state therein the day and h
the delivery to him of the treasurer's recei
nature of the service therein described, a
amount charged therefor, and the name
person by whom such receipt is delivered
and shall make corresponding entries on th
to which such certificate or receipt is atta
Sec. 8. On the first day of each mon
treasurer of such city or city and county
make to the auditor or other proper officer
a report, under oath, of all moneys recei
him, as provided in this act, during the
ing month, showing the date and number
certificate on which the money was receiv
amount of each payment, and by whom pai
the nature of the service, and the name a
cial designation of the officer performing t
vice; and at the same time, or oftener if re
by the auditor so to do, exhibit to the audi
official certificates received by him duri
previous month, and all official receipts r
ing in his hands unused or not issued at th
of business on the last day of the pre
month.
Sec. 9. On the first day of each month
officer of such city or city and county auth
by law to charge any fee, commission,
tage, allowance, or compensation what
must make to the auditor a report, under o
all official certificates and receipts issued b
during the preceding month, showing the da
number of each certificate and receipt, to
issued, the nature of the service for whi
charge was made, and the amount of such c
and must at the same time exhibit to the
or other proper officer, or oftener if requi
to do, all treasurer's receipts deposited wit
during the preceding month, and all official
cates and receipts remaining in his hands
or not issued at the close of business on th
day of each preceding month.
Sec. 10. Upon receiving the reports pres
by sections eight and nine of this act, the
tor or other proper officer of such city or ci
county shall examine and settle the accou

and apportion such moneys
to which it is appropriated
such apportionment to the
thereupon transfer from the
fund" the amounts so certi-
fund entitled thereto with
o apportioned.
officer of said cities or cities
y law allowed to charge and
e service of process, and for
the end of each month, pre-
the auditor or other proper
city and county a statement
ss served, the title of the
the deputy or other sub-
whom served, the number
traveled in making such
y when such service was
hat hours of said day, which
erified by the oath of such
or other proper officer of
county shall thereupon have
s directed to examine such
his warrant upon the treas-
city and county for such
shall, in his judgment, fully
r for his lawful expenses in
es, and such warrant shall
asurer, without further ap-
napportioned fee fund"; but
ll be charged or allowed for
ore processes served on the
ne deputy or deputies, except
ually traveled in serving the
nd all mileage charged in vi-
shall be disallowed by such
per officer, and all amounts
eason shall be apportioned
f such city or city and coun-
aid cities or cities and coun-
preceding month, performed
h he is expressly authorized
erson, at a certain or stated
w, to perform such service,
ar deputies or other assist-
are paid from the public
or city and county, and a

person is so employed, and a service is actually performed by such person, and the charge there for has been paid to the treasurer for the service of the person so employed, such officer shall, a the end of each month, prepare and deliver to the auditor or other proper officer of such city or city and county a statement showing the case or in stance in which such service was performed, and for whom performed, the name of the person s employed and by whom the service was per formed, the amount of the charge therefor, th time actually employed in performing such ser vice, and the dates of the beginning and endin of the period during which such person was s employed in performing such service, which state ment shall be verified by the oath of such office Such auditor, or other proper officer, shall there upon examine such statement, and if he finds th same to be correct, he shall audit and allow th verified demand of such person so employed an performing the service, for the sum or sums earned by him and paid to the treasurer for suc service, and the treasurer shall pay such deman so audited and allowed, without further approva out of the "unapportioned fee fund."

Sec. 12. This act shall not apply to any pa ment required to be made on account of the lev or collection or delinquency of any tax upo property, or any poll tax, nor for any city or ci and county license, but all such moneys shall paid to and shall be accounted for in the san manner and by the same officers as are now r quired by law to charge, receive, collect, or a count for the same.

Sec. 13. All acts or parts of acts, in so far they conflict with the provisions of this act, a hereby repealed.

Sec. 14. This act shall take effect and be force from and after the first day of Januar eighteen hundred and ninety-five.

Sec. 15. For the purpose of carrying out t provisions of said act the treasurer of any su cities, or cities and counties, is hereby authoriz to appoint clerks not to exceed three in numb to be known as fee clerks, and said fee cler shall be allowed a salary of one hundred a fifty dollars per month; they shall give a bond

said treasurer may exact, and
n such duties as he, the said
ect. The salaries of said clerks
and paid out of the unappor-
this act created. [New section
26, 1895; Stats. 1895, chap. clx.
tely.]
ards of supervisors of any such
d counties, if in their judgment
ssary, may grant additional as-
ay of clerks to any of the fee
or has been increased under
alaries of such additional clerks
nd audited out of said unappor-
[New section approved March
395, chap. clx. In effect imme-

to prior acts on the subject of
Annotated Penal Code, p. 500

TITLE 85.

FENCES.

ating to Fences are collected in
ed Penal Code, p. 548, et seq.

TITLE 86.

ERRY DEPOT.

e for the issuance and sale of
reate a fund for the construc-
ing, by the board of state har-
rs, of a general ferry and pas-
a the city and county of San
eate a sinking fund for the pay-
nds, and providing for the sub-
ct to a vote of the people.
17, 1891; Stats. 1891, p. 110.]

TITLE 87.

FIRE DEPARTMENT.

Acts relating to, see Political Code, App title Fire Department, p. 1014.

TITLE 88.

FIRE PATROL.

Acts relating to, see Civil Code, Appendix Fire Patrol, p. 766 et seq.

TITLE 89.

FIRES.

Acts relating to, see Penal Code, App title, Fire, p. 552.

TITLE 90.

FISCAL YEAR.

An act providing for changing the fiscal y cities in this state operating under a framed under section eight, article elev the constitution.

[Stat. approved March 26, 1895; Stats. 1895 cxxxix.]

The nature of the act appears from the ti

TITLE 91.

FISH.

The general law in relation to the taking o and salmon, and the use of poisons or ex

ing fish, is contained in the Pe-
et seq. But several of the
acts in relation to fish in par-
counties have been expressly
by section 19 of the Political
these acts are concerned, and
e been passed since the taking
, the general law is modified.

hese special laws is contained
ated Penal Code, p. 556.
Code, Appendix, p. 554; Politi-
, p. 1031.
act to regulate the vocation of
ide therefrom revenue for the
servation of fish in the waters
alifornia, approved March 21,
. 233.

TITLE 92.

D GAME WARDEN.

see Political Code, Appendix,

TITLE 93.

COMMISSIONERS.

see Political Code, Appendix,

authorizing commissioners to
s in American river, approved
s. 1889, p. 66. An act author-
issioners to dispose of the Gov-
pproved March 16, 1889, Stats.

TITLE 94.

FORESTRY.

See Agriculture; Fruit-trees and Vines; Hor
ture; Viticulture; Silk Culture.

An act to create a state board of forestry, a
provide for the expenses thereof.

[Approved March 3, 1885; Stats. 1885, p.
This act was repealed by act of March 23,
post.

An act to enlarge the powers of the state boa
forestry, and to provide for the expens
said board.

[Approved March 7, 1887; Stats. 1887, p.

This act was not in terms repealed by th
of March 23, 1893, post, but probably fell wit
repeal of the act on which it was based.

An act to repeal an act entitled "An act to
a state board of forestry, and to provid
the expenses thereof," approved March 3,
and the act amendatory thereof, app
March 7, 1887, and to make an appropri
for the maintenance and preservation o
property of the board of forestry.

[Approved March 23, 1893; Stats. 1893, p. 2

Section 1. An act entitled "An act to cre
state board of forestry, and to provide for t
penses thereof," approved March third, eig
hundred and eighty-five, is hereby repealed.

Sec. 2. All the real and personal property
said board on or before the first day of
eighteen hundred and ninety-three, shall
signed, made over, and transferred to the ag
tural department of the university of Califor

Sec. 3. There is hereby appropriated the
of four thousand dollars out of any money
state treasury not otherwise appropriated, pa
to the agricultural department of the univ
of California, for the support, maintenance
preservation of the experimental stations
state board of forestry, and the controller is
by directed to draw his warrant for the sam

shall take effect from and after
hundred and ninety-three.

TITLE 95.

ESNO COUNTY.

pecial acts relating to Fresno
in Deering's Annotated Penal

ently locate the county seat of
resno county.
arch 30, 1874; 1873-4, 913.]
he county seat at Fresno.

TITLE 96.

REES AND VINES.

Forestry; Horticulture; Viticul-
e; Silk Culture.

ter protection of fruit-trees and

, 1880; 1880, 36 (Ban. ed. 187).]
heir powers.
board of supervisors in the
f this state are hereby author-
tion is made in writing by five
voting precinct in the county,
nission of such number as they
ary, to inspect fruit-trees and
strict for which they shall have
d in case disease of any kind be
trees or vines, which is extend-
xtend to neighboring vineyards
commission may order such ac-
ne removal of such trees and
e, as they may deem necessary
od; provided, such commission
t compensation, and the labor
ly with their recommendations

shall be at the expense of the owner of the
erty.

Sec. 2. This act shall take effect immedia

An act to prevent the spreading of fruit and
tree pests and diseases, and to provid
their extirpation.

[Approved March 9, 1885; 1885, 40.]

Disinfecting fruit-trees.

Section 1. It shall be the duty of every
possessor or occupier of an orchard, nurse
land where fruit-trees are grown within this
to disinfect all fruit-trees grown on such lan
fested with any insect or insects, or the
thereof, or infested by any contagious d
known to be injurious to fruit or fruit-trees,
the removal of the same from such premis
sale, gift, distribution, or transportation.
boxes which have been used for shipping fr
any destination are hereby required to be
fected previous to their being again used fo
purpose; all boxes returned to any orchard,
room, sales-room, or any place used or to be
for storage, shipping, or any other purpose,
be disinfected within three days after the
turn; and any and all persons failing to c
with the requirements of this section sha
guilty of a misdemeanor. All packages kno
free packages must be destroyed or disin
before being again used.

Destroying infested fruit.

Sec. 2. It shall be the duty of the owner,
or occupier of any orchard within this sta
gather all fruit infested by the insects kno
the codlin moth, peach moth, red spider,
weevil, and kindred noxious insects, their
or pupae, which has fallen from the tree or
as often as once a week, and dispose of or d
the same in such a manner as to effectual
stroy all such insects, their larvae or pupa
shall be the duty of the inspector of fruit pe
the quarantine guardian to inspect fruit pac
and all trees and plants, cuttings, grafts,
scions, known or believed to be infested b
insect or insects, or the germs thereof, or
eggs, larvae, or pupae, injurious to the fr

sted with any disease liable to
imported or brought into this
eign country, or from any of the
territories, and if, upon inspec-
fruit packages are found to be
d, it shall be a misdemeanor to
sale, gift, distribution, or trans-
hey shall be first disinfected.

shipped cuttings.

person shipping fruit-trees,
r plants from any orchard, nur-
ce where they were grown or
ace upon or securely attach to
or parcel containing such fruit-
ings, or plants, a distinct mark
the name of the owner or ship-
ty where produced. And any
ause to be shipped, transported,
ny locality declared by the state
ire to be infested with fruit-tree
or infected with contagious dis-
trees, plants, or fruits, unless the
een previously disinfected, shall
demeanor. Disinfection shall be
of the state board of horticul-
tor of fruit pests. When disin-
hall be stamped upon each box,
ate parcel of fruit-trees, scions,
s; and any person who shall
ed, transported, or removed any
package from a quarantine dis-
ot bearing such stamp, shall be
meanor, and may be punished
d in section six of this act. Any
falsely cause such stamp to be
ate or counterfeit any stamp or
ch purpose, shall be guilty of a

s of state board.

be the special duty of each
ate board of horticulture to see
s of this act are carried out
ive horticultural district, and all
nished.

ees.

t-trees infested by any insect or
s, larvae, or pupae, or infected

by disease known to be injurious to fruit or
trees, and liable to spread contagion, mu
cleaned or disinfected before the first da
April, eighteen hundred and eighty-five, a
or before the first day of April of every su
ing year thereafter. All owners or occupa
lands on which fruit-trees are grown, faili
comply with the provisions of this section,
be guilty of a misdemeanor, and fined as pr
for in section six of this act. All fruit, pac
trees, plants, cuttings, grafts, and scions tha
not be disinfected within twenty-four hours
notice by the inspector of fruit pests, or a
appointed quarantine guardian, or any m
of the board of horticulture, shall be liable
proceeded against as a public nuisance.

Penalty.

Sec. 6. Any person or corporation violatin
of the provisions of this act shall be deemed
of a misdemeanor, and shall, on conviction th
be punishable by a fine of not less than tw
five dollars nor more than one hundred dolla
every offense.

TITLE 97.

FUNDS.

See Public Debt, post.

The Political Code, sec. 19, continued in
all acts for funding the state debt, or any
thereof, and for issuing state bonds and
amending or supplementing such acts.

For a list of these acts, see Deering's Anno
Penal Code, p. 565, et seq.

TITLE 98.

GAME.

See Fish.

For a reference to acts relating to this su
see Deering's Annotated Penal Code, pp. 57

TITLE 99.

AME LAWS.

ee Penal Code, Appendix, title 1.

ITLE 100.

GAS.

the quality and standard illu- and the price of gas in all e State of California having a ne hundred thousand or more.

rch 4, 1878; 1877-8, 107.]

of gas to be fixed by whom. n all cities in the State of Cali- pulation of one hundred thou- local legislative body thereof, d designated as the board of rd of aldermen, or common of trustees, or otherwise, are nd required to fix the standard ating power of gas to be fur- e and price for each one thou- e charged therefor by any per- rporation whose pipes or mains d down in the streets or high- for the purpose of supplying uch city, or for the inhabitants ch city and its inhabitants; that said board or local au- fix or establish the standard ating power of gas in such city n-candle power, or such that as per hour so furnished shall equal to that afforded by the en standard sperm candles con- d and twenty grains of sperm burner to be used in making best adapted to the economi- gas; and provided further, that rvisors, or local legislative au- r name it may be known, shall

not fix or establish the rate or price of ga
furnished to such city or its inhabitants at
greater price or rate than three dollars per
said cubic feet.

Mayor to appoint an inspector.

Sec. 2. It shall be the duty of the mayor of
city having the population mentioned in se
one of this act, and such mayor is hereby requ
within thirty days after the passage and app
of this act, to appoint, subject to the approv
the board of supervisors, or other local legisl
body aforesaid, a person of competent exper
and knowledge of and concerning the proper
ities and illuminating power of gas, and who
not be directly or indirectly interested in or
nected with any person, company, or corpor
engaged in the manufacture or furnishing
luminating gas in such city, or elsewhere,
to such city or its inhabitants, or any of
either as a stockholder or otherwise, who sh
known and designated as gas inspector of
city, who shall hold his said office for the te
two years, or until his successor shall be appo
and qualified; subject, however, to removal
his said office by the mayor, with the concur
of a majority of the board of supervisors, or
local legislative board aforesaid, for any one
following causes, to wit, by reason of any in
in the manufacture or furnishing of gas in
city, whether such interest existed at the
of his appointment or was afterward acquir
for want of competent knowledge, skill, or e
ence to enable him properly to discharge th
ties of said office, or for any neglect, misco
or inefficiency in the discharge of the dut
said office, to the prejudice of such city, or
habitants, or any of them. The person s
pointed shall, before he enters upon the dut
said office, and within ten days after his ap
ment and confirmation, take and subscri
oath or affirmation before the county judge
county in which such city is situated, that h
faithfully and impartially perform and disc
all the duties required by this act and the
nances or resolutions of said board pass
adopted under and pursuant to the prov
thereof, as such gas inspector of such city
shall also, within the same time, give bond

he is appointed, in the sum of
with sureties to be approved
litioned for the faithful per-
ties of said office, which said
l be filed with the clerk of
as inspector shall be entitled
ed and allowed by said board,
monthly out of the general

e the duty of such inspector,
is appointment and qualifica-
as aforesaid, to make a care-
inquiry by inspection, letter,
the quality and illuminating
rnished and used in the prin-
United States, and the prices
nd also the comparative cost
and supply of gas in other cit-
States, with the cost of the
pply of the same in the city
ch inspector, and report fully
xamination and information to
six months after his appoint-
ion; and upon receiving such
shall proceed to fix and estab-
l standard illuminating power
such city, and the maximum
therefor; and such standard
changed by said board from
ftener than once every year,
nption or other circumstances
nent require.

board shall have fixed and es-
y and illuminating power, and
s hereinbefore, it shall be the
ctor to examine and inspect,
t least once every week, with-
rson, company, or corporation
, the quality and illuminating
urnished to such city and the
, and in case the same shall
dard fixed by said board, the
forthwith report the same to
such other times as he may be
).

requested thereto by the mayor or any com
of said boards, he shall report to said board
any and all matters connected with the ma
ture, supply, and consumption of gas coming
in the scope of his official duties, and specia
on any subject or subjects, matters or thing
nected therewith and specified in such requ

Certain acts declared unlawful.

Sec. 5. After said board shall have fixed a
tablished the quality and standard illumi
power of the gas, and the price per thousa
bic feet, as in this act provided to be ch
therefor, it shall be unlawful for any person
pany, or corporation to furnish to such city,
inhabitant thereof, or other person therei
illuminating purposes, gas of a lower stand
quality, or to charge or receive therefor a
price than is provided by said board, under t
thority and subject to the limitations of th
and for every violation of the provisions o
act, or the provisions of any order, resolut
ordinance of said board made in pursuance th
every such person, company, or corporation
incur a penalty of not less than one hundr
more than one thousand dollars, to be rec
in a civil action in the name and for the
such city, in any court of competent jurisd
and each day upon which such person, com
or corporation shall, without reasonable ca
excuse therefor, furnish gas of a lower qua
standard illuminating power than that fix
said board, shall constitute and be consider
held one violation thereof, and each mo
shorter period for which said person, compa
corporation shall take an account of ga
sumed, and for which they shall charge or
a price greater than that fixed by said
shall be held and regarded as one offense, a
number of such offenses of either class, or
may be joined in the same action, and the
penalties for the several violations proved
fessed in said action may be united and rec
in the same judgment; and such person, com
or corporation shall also be liable to such ci
to any and each person or corporation wh
be injured by any such violation, in doub
amount of damages actually sustained.

whom.
ions for penalties under the pro-
ct shall be tried by the court, un-
demanded by either party; and
shall be tried by a jury, the jury
ach violation charged in the com-
defendant is guilty," or "the de-
ilty;" and upon each charge in re-
he jury has found the defendant
shall fix the penalty, and render
e aggregate amount of such pen-
vith costs of suit.
nalties recovered under this act
o the general fund of such city.
t shall apply to the city and coun-
isco, as well as to cities whose
ment is distinct from the county
re located.
ct shall take effect immediately.

Code, sec. 19, continues in force
in relation to the laying down of
ation of gas-works:

oncerning gas companies.

April 4, 1870; 1869-70, 815.]

chises to gas companies.
m and after the passage of this
lawful for the corporate authori-
y and town in this state, and for
of the city and county of San
nt to any gas company the privi-
wn pipes in the streets or alleys
d cities, including San Francisco,
supplying gas for the lighting of
buildings thereon; such privilege
a term not exceeding twenty-five

such license or privilage shall be
hat the authorities shall have the
ne to allow similar privileges to
; and upon the further condition,
down of such pipes shall be sub-
able direction of the said author-

ities, and shall do as little injury as possi
the paving, planking, or macadamizing
streets and alleys aforesaid; and that wh
the paving, planking, or macadamizing of
streets or alleys is displaced for the purp
laying down pipes or removing the same, o
ing connections therewith or repairs thereto
paving, planking, or macadamizing shall
placed in as good order as practicable by
company.

Contract for lighting streets.

Sec. 3. The authorities of every such to
city, including San Francisco as aforesaid
contract with any gas company for lighti
streets thereof; but no such contract shall be
at a fixed rate for a longer term than five
nor at a variable or other rate for a longe
than ten years; nor shall any such contr
made at a higher rate than that now paid
city of San Francisco.

Location of works.

Sec. 4. In addition to the foregoing prov
the authorities of such towns and cities sh
fix to every license or contract such con
as will be for the benefit of the public, an
secure their enforcement by any orders o
nances which they may deem necessary.
may also control the location and construc
works so that they may be erected in suita
calities to give the least discomfort or ann
to the public.

Sec. 5. This act shall take effect immedia

TITLE 101.

GEOLOGICAL SURVEY.

Acts relating to this subject can be fo
Deering's Annotated Political Code under
554.

GIFTS.

See ante, Donations to State, etc.

TITLE 102.

GLENN COUNTY.

e the county of Glenn, to establish
ries thereof, and to provide for its
.

approved March 11, 1891; Stats.

TITLE 103.

GOATS.

See ante, Estrays.

vent buck goats running at large.

March 23, 1878; 1877-8, 437.]

to run at large.

shall not be lawful for the owner
y buck goat or buck goats, or any
ns in charge of such goat or goats,
it such goat or goats to be turned
in any county of this state.

lation.

person violating the provisions of
of this act shall, upon complaint
before a justice of the peace of the
, be fined in a sum not less than
more than twenty dollars, to be
s are now by law collected.

act shall take effect on and after
July, eighteen hundred and seven-

the foregoing general act in rela-
here are various acts referring to
large of and trespassing by these
of them are noted under the head
'sheep." The following, passed in
eferred to here:

vent the trespassing of goats on
Amador county, approved March
536.

An act to prevent sheep and goats from
herded or running at large in certain porti
Lake county, approved March 29, 1878,
685.

GOPHERS.

See Squirrels.

TITLE 104.

GOVERNOR.

Acts relating to, see Penal Code, Appendi
Governor, p. 564; Political Code, Appendi
Governor, p. 1035. In addition consult act f
chase of picture of Washington Bartlett, ap
March 19, 1889, Stats. 1889, p. 327.

TITLE 105.

GRAND ARMY.

Acts relating to, see Penal Code, Appendi
Grand Army, p. 564, and post, title Vet
Home.

TITLE 106.

GROWING TREES.

Acts relating to, see Penal Code, Appendi
Growing Trees, p. 565.

TITLE 107.

GUARDIANS.

Acts relating to, see Civil Code, Appendi
Guardians, p. 771.

TITLE 108.

ORTICULTURAL EXPOSITION.

ating money to pay the expenses of reparing, forwarding, installing and , taking down and returning an ex- products of the State of California burg Horticultural Exposition, to Hamburg, Germany, in eighteen d ninety-seven, and to provide for n, secretary of a commission, and he secretary thereof.

April 1, 1897; Stats. 1897, chap. cclili.]

dollars was appropriated for the ed.

TITLE 109.

BOR COMMISSIONERS.

to: See Political Code, Appendix, ommissioners, p. 1035.

TITLE 110.

TINGS LAW SCHOOL.

See University.

o the Hastings Law School can be g's Annotated Penal Code, pp. 740- ering's Annotated Political Code, 396.

TITLE 111.

IDES OF CATTLE.

Code, sec. 19, continued in force t:

better protection of stock raisers ties of Fresno, Tulare, Monterey, a.

ved March 20, 1866, 322.]

TITLE 112.

HIGHWAYS.

An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

[Approved April 1, 1897; Stats. 1897, p. 374.]

In the case of Davis v. Whidden, filed July 28, 1897, it was held that this act commonly known as the Clark Road Law was inconsistent with the county government bill passed at the same session, and was repealed by it.

An act to create a bureau of highways, and prescribe its duties and powers, and to make an appropriation for its expenses.

[Stat. approved March 27, 1895; Stats. 1895, chap. ccliii.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Within ten days after the passage of this act the governor shall appoint three competent persons to compose a bureau of highways who shall hold office for two years from the date of their qualifying. The persons so appointed shall be selected with particular reference to their qualifications for the duties devolving on them. They shall not be actively engaged in any other pursuit while serving as such commissioners, and shall devote their entire time to the services of the bureau of highways. In case of a vacancy occurring on the said bureau, the governor shall within ten days, appoint a person of proper qualifications to fill such vacancy.

Sec. 2. The members of the bureau of highways, before entering on the duties of their office must execute an official bond in the sum of five thousand dollars, and take the oath of office as prescribed in the Political Code for the state officers in general.

the duties of the bureau of
e to gather from each county in
s showing the total mileage of
ondition of improvement, the
tles to the right of way, the
ning title and of keeping the
e method of procedure in grant-
altering roads, and the manner
records of the same, the manner
re constructed and maintained,
yment for the construction and
oads, the manner in which the
ng to the same are kept, the
the money for highway purposes
ount expended in the past ten
purposes, with the rate of tax-
ired dollars that is apportioned
It shall inquire into the topo-
logical features of each county,
arly with reference to the ac-
er for road-sprinkling purposes,
, deposits of gravel, bituminous
or any other materials suitable
urposes. It shall ascertain all
e in this state, appertaining to
shall segregate all such as in
he members of the bureau are
lete from such as are effective.
made into what laws and
se in other states in regard to
an abstract shall be made of
adapted to the state of Califor-
are such cross-sections of roads,
or watering of roads, and for
idges, and road appliances as
xpedient. It shall prepare such
ay be necessary to systemize all
the highways, and shall fur-
y other inquiries in matters re-
improvement as will be of in-
the objects of the said bureau.
dvice shall be furnished by the
ys, on matters connected with
nent and kindred subjects, at
to all county officials, or others
e highways, who may apply for
and all such information and

advice shall be furnished free of charge. It shall receive orders for road material, to be prepared at the state prisons, and shall forward the same to the governing body of the prisons, and in case the orders exceed the rate of supply, shall make an equitable distribution of the product.

Sec. 4. One or more members of the bureau of highways shall visit each county in the state at least once in each year, and shall hold therein a public meeting, at which there shall be an open discussion of all matters relating to highways or highway improvement.

Sec. 5. The bureau of highways shall have power to call on the clerk of the board of supervisors, surveyor, auditor, or any other official, for such assistance as may be necessary for gathering the information it may desire. It may take testimony of any persons deemed necessary, in relation to matters pertaining to highways, and shall, in doing so, follow the methods set forth in an act entitled "An act creating a board of bank commissioners."

Sec. 6. The members of the bureau of highways shall each receive a salary of three thousand dollars per annum, which shall be audited by the state controller, and paid by the state treasurer, in the same manner as are salaries of other state officials.

Sec. 7. Within ten days after the appointment of the members of the bureau of highways, they shall assemble at the office of the surveyor general at the state capitol, in the city of Sacramento, and shall be called to order by that official, and shall forthwith elect a chairman from among their number, who shall preside at all the meetings of said bureau of highways, and exercise the duties usually devolving upon a presiding officer.

Sec. 8. The office of the bureau of highways shall be located in the state capitol building, in the city of Sacramento. The secretary of state is hereby directed to provide said bureau of highways with a room suitably furnished for that purpose. The office before named shall be the office of the bureau of highways, but the members thereof shall visit such portions of the state and at such times as they may deem advisable or the duties devolving on them may require.

eau of highways shall have the
such clerical, expert, or other
be necessary for the purpose
affairs of its office, subject to
he state board of examiners.
he bureau of highways, or any
shall be allowed their actually
g expenses when in the dis-
uty. The bureau of highways
all necessary supplies and con-
purpose of conducting the af-
All claims against the state,
bureau of highways, shall, be-
e examined, audited, and ap-
rd of examiners.
reau of highways shall have a
be affixed to all necessary pa-
ts in the usual manner. It shall
ept proper books, as records of
under the provisions of this act.
l be the duty of the state min-
h the bureau of highways such
ion as it may call for.
l be the duty of the attorney
the bureau of highways on all
en requested to do so.
l be the duty of the bureau of
re a report, which shall be sub-
ernor, in the manner and at the
law for the submission of such
ort shall embrace the work and
he bureau for the previous two
mendations that will be useful
ticable road law, together with
as will be useful in the improve-
ways. There shall also be pub-
to time, as may be deemed ad-
ureau, bulletins containing use-
ions and instructions regarding
tion, maintenance, and kindred

l be the duty of the state
per order from the board of ex-
the report of the bureau of high-
ith such bulletins as it may de-
d the distribution shall be made
er from the board of examiners.

Sec. 15. The bureau of highways shall, the expiration of its existence, which shall b years after its organization, deliver to the controller, all property, books, reports, an pers of every description pertaining to its of

Sec. 16. The sum of thirty-one thousand lars is hereby appropriated out of any mon the general fund of the state treasury not wise appropriated, to pay the expenses of th bureau, and the state controller is hereby di to draw his warrant for the same from ti time, as necessary, and the state treasur hereby directed to pay the same. Said appr tion shall cover all the expenses of the bur highways, and in no case shall an indebte over and above the amount so appropriate created or allowed. One-half of the appropr herein made shall be available during the seventh fiscal year, and the other half duri forty-eighth fiscal year.

Sec. 17. All acts or parts of acts in c with the provisions of this act are hereb pealed.

Sec. 18. This act shall take effect and force from and after its passage and appr

An Act to create a Department of Highwa the State of California, to define its dutie powers, to provide for the appointment cers and employees thereof, and to provi the compensation of said officers and ployees, and for the additional expens said department, and to make an appr tion therefor for the remainder of the eighth fiscal year.

[Stats. approved April 1, 1897; Stats. 1897, cclxvii.]

Section 1. A department of and for the of California, to be known as the Departme Highways, is hereby created, to consist of chief executive officers, who shall be know Highway Commissioners. Said departmen officers and employees, shall have and exerci powers and duties hereinafter specified, and as are or may be otherwise provided by law.

liately upon the taking effect of
vernor, by and with the consent
e Senate, shall appoint three per-
commissioners. The persons so
be selected with particular refer-
ualifications for, and practical
ghway location, construction, and
he highway commissioners shall
e time to the service of the State,
ively engage in any other pursuit
s highway commissioners. The
hall personally perform all the
k of the department; provided,
ent may be allowed assistance on
work thereof on receiving the
val of the State Board of Exam-

of the highway commissioners
for the term of two years from
te of his qualification, as herein-
r. At the expiration of said last-
of said three offices shall there-
etermine, and the powers and du-
ied shall devolve upon one high-
er. At least thirty days prior to
the terms of the highway com-
ied for above in this section the
l with the advice and consent of
s it be otherwise provided by law,
a term of four years, and every
after, one civil engineer as high-
er, who shall have the qualifica-
section two of this act, and upon
e all of the duties and powers
onferred upon the commissioners
nder the provisions of this act,
eceive like compensation. When
occurs in the office of highway
shall be the duty of the Governor

to fill such vacancy for the unexpired term, appointment shall be confirmed by the Sen its next session.

Sec. 4. Within twenty days after receivi tice of appointment, the person or persons pointed shall file a bond in the sum of ten sand dollars ($10,000), with at least two sui sureties thereon, for the faithful performa his duties, which bond must be approved Governor, and filed with the Secretary of and qualify by taking the oath of office scribed for State officers.

Sec. 5. The three chief executive officers before provided for shall immediately, upon fying, organize by electing one of their num president and shall adopt a seal for the auth tion of its acts, records, and proceedings.

Sec. 6. The Department of Highways shal power to appoint a secretary, and a stenogr who shall hold office at the pleasure of the ment. Such employees shall not be eligil such appointment unless they possess specia ifications for, and are competent to perfo duties devolving on them; and they shall their entire time to the service of the depar

Sec. 7. The office of the Department of ways shall be in the State Capitol buildin the Secretary of State shall assign to the ment, for its use, such rooms as may be nec for its accommodation. All of the regular ings of the department shall be held at such The department may, however, hold such meetings at such places as the duties of partment, or the best interests of the Stat require.

Sec. 8. The Department of Highways sha possession, in the name of the State, as rap the funds provided therefor will permit, roads which have been or may be declare highways.

rtment of Highways shall have
nditures made by the State for
except as otherwise provided
neys appropriated for such pur-
e payable upon proper order of
All claims and accounts which
y the Department of Highways
ore payment, be audited by the
rs.

partment of Highways shall
into existing highway condi-
f California, and shall, further-
nvestigations within the State,
service of the State the most
of highway improvement. It
equest, without charge, any in-
to highways required by any
official having care of and au-
ays within this State. It shall
data relating to the geological
State in so far as it relates to
for highway construction, and
d tests of such material as it
e for highway uses, with the
g the value of the same for such
so collected, together with such
lue or interest to the people of
published in bulletins, or upon
or in other proper form, or in
of the department, as it in its
ermine. The department shall
styles and forms of books for
which to keep account of the
hway money and all other rec-
relating to highways. It shall
as may be necessary for use in
ening, abandoning, altering, lo-
g, maintaining, obtaining title
lating to proposed State high-
ks and forms, when so adopted,

shall be the standard for use in the State. C
of them shall be forwarded to the various
cials who are charged with keeping or using
same, and such officials shall immediately
pare books and forms after the style show
such standard, and shall thereafter use then
clusively for the purposes for which they ar
tended. It shall be the duty of the departme
adopt such general forms for the surveyin
State highways, mapping, and keeping of
notes thereof, and the permanent marking o
same on the ground, as it shall deem neces
and shall issue instructions defining such ge
forms and markings to the person having ch
of the making of such surveys; and it shall t
after be the duty of such persons to follow
methods prescribed in such instructions. The
partment of Highways, in performance of it
ties, shall have the power to call upon any
county, or district official to furnish it with
information contained in his office which re
to or is in any way necessary to the proper
formance of the work of said department; a
is hereby made the duty of such officials to
nish such information without cost. The A
ney General of the State shall be the legal
viser of the Department of Highways, and
Department of Highways shall call upon the
torney General of the State for all such legal
vice and services as the discharge of its d
may require.

Sec. 11. The department shall prepare bie
reports, which shall be submitted to the Gov
at least thirty days before each session o
Legislature. Said report shall embrace the
and investigations of the department for the
vious two years, together with such recomm
tions for changes in the law which it may
advisable, and which the proper and econo
maintenance of the highways may demand.

be the duty of the State Con-
demand of the Department of
sfer to it, for its use, all of the
eports, and papers of every de-
all be transferred to him under
n act entitled "An Act to create
ays, and prescribe its duties and
e an appropriation for its ex-
March twenty-seventh, eighteen
y-five.

be the duty of the State Printer
orts, bulletins, or other matter,
necessary illustrations or dia-
the Department of Highways
ary; all of which shall first be
roval of the State Board of Ex-

Department of Highways shall
nd authority to employ, when in
deemed necessary, such assist-
character as may be necessary
he discharge of its duties. The
also have the power to purchase
ures, and conveniences, as may
e performance of its work. The
the Department of Highways,
thereof, shall be allowed their
g expenses while engaged in the
r duties within the State. All of
ntioned in this section, except as
provided, shall be paid from the
the contingent expenses of the
Highways. The employment and
assistants under the provisions of
receive the approval of the State
ers. The expense incurred in lo-
ely surveying State highways in
paid from the funds apportioned
highway purposes.

ommissioners of Highways shall

each receive the sum of three thousand do
($3,000) per annum; the secretary the sum o
teen hundred dollars ($1,500) per annum; an
stenographer the sum of twelve hundred $
per annum. Such salaries shall be paid a
same time and in the same manner as are th
aries of other State officers.

Sec. 16. For the purposes of carrying ou
provisions of this act, the sum of three thou
dollars ($3,000) is hereby appropriated out o
money in the State treasury not otherwise a
priated, to pay the salaries of the officers,
employees and the other expenses of said de
ment for the remainder of the forty-eighth
year.

Sec. 17. All acts or parts of acts in conflict
the provisions of this act are hereby repeale

Sec. 18. This act shall take effect and
force from and after its passage.

An Act to provide for the protection and pre
tion of public highways from damage by
waters and floods, and to authorize th
penditure of public moneys for the pu
thereof.

[Stat. approved April 1, 1897; Stats. 1897,
cclviii.]

Section 1. Whenever it appears to the Bo
Supervisors that any public road, in any ro
trict of the county, is in danger of being da
by storm waters, or floods, or whenever an
lic highway has already been damaged by
waters, or floods, it is hereby made the d
the Board of Supervisors to adopt such me
as may be necessary to prevent such damage
repair the same; and the Board of Supervis
hereby authorized to construct flumes, ditch
canals, for the purpose of carrying off such
waters, or floods, to a place of safety, and

f way for such flumes, ditches,
purpose; provided, however,
he sum of one thousand dollars
such purpose in any one road
y in any one year.
s used for the purposes of this
rom the general road fund of

hall take effect and be in force
passage.

for the construction of a state
agon road from Sacramento
in Sacramento County, and
rushed rock and granite or
drains and culverts for same.
rch 29, 1897; Stats. 1897, chap.
clxxvi.]
act appears from the title.

to the granting by counties
ies of franchises for the con-
hs and roads for the use of bi-
r horseless vehicles.
rch 27, 1897; Stats. 1897, chap.
cxxx.]
legislative or other body to
the government of any county,
ty, or town, may, under such
ions, and limitations as it may
existing laws, grant franchises
of paths and roads, either on
ted, or depressed, on, over,
e streets and public highways
city and county, city, or town,
les, tricycles, motor-cycles, and
vehicles, propelled by the rider,
eding fifty years; provided, that
s no franchise shall be granted
rein expressed, unless the con-

sent in writing of the owners of a majority
frontage upon the road or street, along whic
path or road is sought to be constructed, b
had and obtained and filed with such legis
or governing body.

Sec. 2. This act shall take effect immed

An act to regulate the widths of tires of v
to be used on the public highways of th
of California.

[Stats. approved March 20, 1897; Stats. 1897
cxvii.]

Section 1. The width of tires for wheels
wagons or other vehicles to be used upon
highways of the State of California, shall
the following styles of wagons, as follows:
and three-fourths inch steel or thimble-skei
one and seven-eighths inch tubular steel
axle, not less than three-inch tire; one and o
inch steel or iron axle, two and one-eight
tubular or iron axle, not less than thre
one-half inch tire; three-inch steel or t
skein, one and five-eighths inch steel
axle, two and three-eighths inch tubula
or iron axle, not less than four-inch tire
and one-fourth inch steel or thimble-ske
and three-fourths or one and seven-eight
steel or iron axle, two and five-eighth
tubular steel or iron axle, not less tha
and one-half inch tire; three and one-ha
steel or thimble-skein, two-inch steel o
axle, two and seven-eighths inch tubula
or iron axle, not less than five-inch tire
and three-fourths inch steel or thimble-ske
and one-fourth steel or iron axle, three o
and one-eighth inch tubular steel or iron a
less than five and one-half inch tire; four-in
larger, steel or thimble-skein, two and o
inch, and larger, steel or iron axle, three a

rger, tubular steel or iron axle, nch tire. Other styles of axle same width as those of equal above specified. All intermedi- tires of the same width as the ve specified.

rson who sells, or purchases, or ic highway of the State of Cali- or other vehicle, the wheels of ehicle has tires of a less width r such kind of wagon in section ll be guilty of a misdemeanor.

rson who brings into the State ho, in said State, offers to sell vagon or vehicle which has not rescribed by section one of this of a misdemeanor.

on found guilty of a violation isions of this act shall be fined f not less than twenty-five dol- than five hundred dollars ($500) in the county jail not less than ys nor more than six months.

shall take effect and be in force nineteen hundred.

late money for the purchase of Yosemite. Stats. 1889, 142.

for the construction of a free om the Mono lake basin to con- ad called "Tioga Road," at or a Mine." Stats. 1899, ch. XXVI.

TITLE 113.

HOGS.

ing hogs found running at large nued in force by the Political

Code, sec. 19, subd. 23. They are, in one
laws in relation to estrays or trespassing a
and should be read in connection with the l
those subjects. It may be observed, howeve
if it was the intention to continue enact
which like these involve penalties and forfe
the declaration to that effect ought to be p

A reference to these acts will be found in
ing's Annotated Penal Code, p. 582, et seq.

HOME FOR FEEBLE-MINDED CHIL

See Feeble-Minded Children.

TITLE 114.

HOME OF ADULT BLIND.

Consult the following acts:

An act appropriating forty thousand doll
the purpose of the establishment and m
ment of the Industrial Home of Mec
Trades for the Adult Blind of the State
ifornia.

[Approved March 5, 1885; 1885, 198.

An act appropriating the sum of twen
thousand five hundred dollars, for the
of purchasing suitable property for the
of the industrial home of mechanical tra
the adult blind of California.

[Approved March 17, 1887; 1887, 175.

An act establishing an industrial home
chanical trades for the adult blind of t
of California, creating a board of direc
the government thereof, and appropria
sum of sixty-five thousand dollars for
port of said home.

[Approved March 17, 1887; 1887, 160.

amended March 14, 1889, Stats.

ıer act on this subject approved Stats. 1885, p. 198.

ɔpriate the money now in the treas- state of California, known as the fund, unavailable.
March 14, 1889; 1889, 152.]

riating the sum of ten thousand rect a brick building, to be used as for the "adult blind" inmates at r the adult blind.
l March 21, 1887; 1887, 234.]

TITLE 115.

E OF THE INEBRIATE.

Code, sec. 19, expressly continued lowing act in relation to the home e in San Francisco.

; to the home of the inebriates of sco, and to prescribe the powers of the board of managers and the reof.
l April 1, 1870; 1869-70, 585.]

acts of May 2, 1862 and April 17, o the same subject were repealed arch 26, 1895, Stats. 1895, p. 76; see 1895, Stats. 1895, p. 201.

TITLE 116.

HOMESTEADS.

to, see Civil Code, Appendix, title, 771 et seq.

TITLE 117.

HOMING PIGEONS.

An act for the protection of the Antwerp m
ger, or homing pigeon.

[Stat. approved February 26, 1897; Stats.
chap. xxxix.]

The people of the state of California, repre
in Senate and assembly, do enact as foll

Section 1. It shall be unlawful for any p
other than the owner thereof, to shoot, ma
kill any Antwerp messenger, or homing p
either in flight or at rest.

Sec. 2. It shall be unlawful for any p
other than the owner thereof, to shoot,
or detain any Antwerp messenger, or h
pigeon.

Sec. 3. Any person who shall violate
the provisions of this act shall be deemed gu
a misdemeanor, and upon conviction there
every such offense, shall be punished by a
not less than ten (10) or more than twenty-fi
dollars, or by imprisonment in the county j
a term not exceeding fifty (50) days.

Sec. 4. This act shall take effect and be in
from and after its passage.

TITLE 118.

HOPS.

An act fixing the rate of tare on bale[d

[Approved March 31, 1891; Stats. 1891, p.

Section 1. There shall be allowed on bale
a tare at the rate of two per centum of the
of the bale for the cloth and other materia
in baling; that is, the tare shall be at th
of two pounds per hundred on the weight
bale.

Sec. 2. This act shall take effect and be in
from and after its passage.

TITLE 119.

HORTICULTURE.

culture; Forestry; Viticulture.

te and establish a state board of , and appropriate money for the ex- eof.

d March 13, 1883; 1883, 289.]

culture—Districts.

here shall be a state board of hor- sting of nine members, who shall y the governor; two from the state one from each of the seven horti- ts, which are hereby constituted as

na district, which shall include the noma, Marin, Lake, Mendocino, Norte, Trinity, and Siskiyou.

district, which shall include the pa, Solano, and Contra Costa.

Francisco district, which shall in- and county of San Francisco, and San Mateo, Alameda, Santa Clara, n Benito, and Monterey.

ngeles district, which shall include Los Angeles, Ventura, Santa Bar- Obispo, San Bernardino, and San

mento district, which shall include Sacramento, Yolo, Sutter, Colusa, , and Shasta.

oaquin district, which shall include San Joaquin, Stanislaus, Merced, , and Kern.

orado district, which shall include f El Dorado, Amador, Calaveras, riposa, Placer, Nevada, Yuba, Si- Lassen, Modoc, Alpine, Mono and

members appointed from each dis- esidents of the district from which ted, and shall be specially qualified rs—32.

by practical experience and study in connection with the industries dependent upon horticulture. They shall each hold office for the term of four years, except that of the nine first appointed, four, to be determined by lot, shall retire at the end of two years, when their successors shall be appointed by the governor.

Officers.

Sec. 3. The board shall biennially elect a president, a vice-president, a chairman of the finance committee, and appoint from without their own number a secretary, who shall be ex-officio horticultural officer; and elect of their own number a treasurer, who shall give a bond to the state, with sureties approved by the board, in the sum of ten thousand dollars, for the faithful discharge of his duties. [Amendment approved March 7, 1889. Stats. 1889, p. 89. In effect immediately.]

Powers and duties.

Sec. 4. The board may receive, manage, use and hold donations and bequests for promoting the objects of its formation. It shall meet semi-annually, and as much oftener, and at such places as it may deem expedient, to consult and adopt such measures as may best promote the horticultural industries of the state. It may, but without expense to the state, select and appoint competent and qualified persons to lecture in each of the horticultural districts named in section one of this act, for the purpose of illustrating practical horticultural topics, and imparting instruction in the methods of culture, pruning, fertilizing, and also in the best methods of treating the diseases of fruit and fruit-trees, cleansing orchards, and exterminating insect pests. The office of the board shall be kept open to the public, subject to the rules of the board, every day, excepting legal holidays, and shall be in charge of the secretary during the absence of the board.

Disinfection of packages.

Sec. 5. For the purpose of preventing the spread of contagious disease among fruit and fruit-trees, and for the prevention, treatment, cure, and extirpation of fruit pests and the diseases of fruit and fruit-trees, and for the disinfe

ons, orchard debris, empty fruit
es, and other suspected material
articles, dangerous to orchards,
ees, said board shall make regu-
pection and disinfection thereof,
tions shall be circulated in
he board among the fruit grow-
lers of the state shall be pub-
enty days in two daily newspa-
rculation in the state not of the
ty, and shall be posted in three
s in each county in the state,
ll be at the county courthouse.
gulations when so posted shall
notice of their contents to all
e state, and shall be binding up-

lerk of the publishing and quar-

ard shall appoint from without
mpetent person, especially quali-
of his office, who shall be
the publishing and quarantine
e board of horticulture (to hold
ure of the board), who shall be
rience and education as a com-
eports and essays, to present in
the information to be published,
s whole time in such work, and
as may be required of him by
reason of his official position,
ver to enforce all rules and regu-
the spread of insect pests, quar-
or nurseries found to be infected.
for his services as clerk of the
uarantine bureau of the state
ire one hundred and seventy-five
, to be paid as other state offi-
t approved March 7, 1889; Stats.
fect immediately.]

uarantine guardians.
d board, and in case of neces-
cess of the board, the said clerk
and quarantine bureau, may ap-
ine guardians as may be needed

to carry out the provisions of this act, whose duties it shall be to see that the regulations of the board and the instructions of the clerk of the publishing and quarantine bureau, are enforced and carried out; said clerk may appoint, in case of emergency, a deputy, who shall have the same power as his own, whose salary shall not exceed three dollars per day for each day's services performed, said services to be paid for by the state board of horticulture. The said quarantine guardians shall report to said clerk, or to the state board, all infractions or violations of said directions, regulations and of the law in regard to quarantine, disinfection, and destruction of insect and other pests injurious to fruit, fruit-trees, or vines, and precautions against the spreading of all the aforesaid named pests and diseases. The salary of quarantine guardian shall not exceed three dollars per day, and shall be paid by the owners of orchards and other places and localities under quarantine regulations; and they may maintain an action therefor before any justice of the peace in any township in which any quarantine locality is wholly or in part situated, but in no case shall they have any claim upon the state for such services. [Amendment approved March 7, 1889. Stats. 1889, p. 89. In effect immediately.]

Secretary, duties of.

Sec. 8. It shall be the duty of the secretary to attend all meetings of the board and of the executive committee, and to preserve records of its proceedings and correspondence; to collect books, pamphlets, and periodicals, and other documents containing information relating to horticulture and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; to correspond with agricultural and horticultural societies, colleges, and school of agriculture and horticulture, and other persons and bodies, as he may be directed by the board; and prepare, as required by the board, reports for publication. He shall appoint, subject to the approval of the board, a competent person as clerk and he shall be held responsible for the acts of

shall be paid for his services as
nd ex-officio horticultural officer
hundred and seventy-five dollars
clerk shall be paid a salary (as
ty dollars per month, each to be
te officers. [Amendment approved
tats. 1889, p. 89. In effect imme-

ed March 7, 1889; Stats. 1889, p.
mediately.

board shall biennially, in the
y, report to the legislature a
doings, with a copy of the treas-
for the two years preceding the
nd abstracts of the reports of the
pests and secretary. Said report
one hundred printed pages.
r.
reasurer shall receive all moneys
board, and pay out the same only
l by the chairman of the finance
shall, annually, render a detailed
oard.
his act was amended to read as
approved February 18, 1885, to
diately.

is hereby appropriated for the
board of horticulture, as set forth
f any moneys in the state treas-
e appropriated, for the fiscal year
irtieth, eighteen hundred and
sum of one thousand dollars, and
ler shall draw his warrants upon
rer in favor of the treasurer of
the same, upon proper demand.
proved March 7, 1889; Stats. 1889,

ately.]
act shall take effect and be in
after its passage, and all acts or
consistent or in conflict with the
s act are hereby repealed.

Executive committee.

Sec. 14. The president (and in his absence the vice-president) and the two commissioners for the state at large shall constitute the executive committee; said committee shall have charge of the management of the affairs of the board while the board is not in session. The members of said committee shall receive their actual traveling expenses in attending quarterly meetings of the executive committee. The other members of the board shall receive their actual traveling expenses (only) in attending semi-annual meetings of the board. [New section approved March 7, 1889; Stats. 1889, p. 89. In effect immediately.]

Vacancies.

Sec. 15. Vacancies occurring in any office shall be filled by appointment made by the president of the board, with the consent of the executive committee, until the next meeting of the board. [New section approved March 7, 1889; Stats. 1889, p. 89. In effect immediately.]

To publish reports.

Sec. 16. Said board shall make and publish their reports annually. [New section approved March 7, 1889; Stats. 1889, p. 89. In effect immediately.]

County boards.

Sec. 17. It shall be the duty of the county boards of horticulture to make quarterly reports in writing to the state board of the condition of fruit interests in their several districts, what is being done to eradicate insect pests, also as to diseases infecting, and as to quarantine against new insects, and as to carrying out of all laws relative to the greatest good of the fruit interest. Said board shall publish said reports in bulletin form or may incorporate so much of the same in their annual reports as may be of general interest. [New section approved March 7, 1889; Stats. 1889, p. 89. In effect immediately.]

Expenditures, how determined.

Sec. 18. The expenditures necessary to be made in experiments in the different districts shall be determined by the board. On application of one or more of the fruit growers in such districts, the

l select such person or persons to
eriments, and pay the expenses
um of not exceeding one thousand
eling expenses shall be allowed
l or the executive committee shall
ıry to send either the clerk of bu-
y to direct and supervise such ex-
ided, that not more than one thou-
ll be expended in any one year for
expenses. [New section approved
Stats. 1889, p. 89. In effect imme-

note the horticultural interests of
providing county boards of horti-
repealing the act entitled "An act
nd promote the horticultural inter-
state," approved March 14, 1881,
acts amendatory thereof, approved
889, and March 31, 1891.

March 31, 1897; Stats, 1897, chap.
clxxxiii.]

he state of California, represented
d assembly, do enact as follows:

henever a petition is presented to
pervisors of any county, and signed
or more persons, each of whom is
older and possessor of an orchard,
rtain or all orchards, or nurseries,
variety are infested with scale in-
ind, injurious to fruit, fruit-trees,
in moth, or other insects that are
trees, and praying that a commis-
ed by them, whose duty it shall be
e destruction of said scale insects,
ded, the board of supervisors shall,
days thereafter, appoint a board of
ommissioners, consisting of three
shall be qualified for the duties of
ommissioner. Upon the petition of
ident freeholders and possessors of
e board of supervisors may remove
nmissioners for cause, after a hear-
tion.

Sec. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit packing-house, storeroom, salesroom, or any other place or articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs, or larvae, they shall notify the owner or owners, or person or persons in charge, or in possession of the said places, or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or articles as aforesaid, that the same are infested with said insects, or other pests, or any of them, or their eggs or larvae, and they shall require such person or persons, to eradicate or destroy the said insects, or other pests, or their eggs or larvae within a certain time to be specified. Said notices may be served upon the person or persons, or either of them owning or having charge, or having possession of such infested place, or orchard, or nursery or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within the jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated, by eradicating or destroying said insects, or other pests, or their eggs, or larvae. The expense thereof shall be a county charge, and

visors shall allow and pay the same
eral fund of the county. Any and
s so paid shall be and become a lien
and premises from which said nui-
removed or abated, in pursuance
be filed and recorded in the office
d may be recovered by an action
roperty and premises. A notice of
recorder of the county in which
ty and premises are situated, with-
after the right to the said lien has
ction to foreclose such lien shall be
hin ninety days after the filing and
id notice of lien, which action shall
the proper court by the district
e county in the name and for the
county making such payment or
when the property, is sold enough
s shall be paid into the county
ch county to satisfy the lien and
overplus, if any there be, shall be
ner of the property if he be known,
the court for his use when ascer-
ounty board of horticultural com-
hereby vested with the power to
all such nuisances to be at once
mmary manner.

county boards of horticultural com-
ll have power to divide the county
nd to appoint a local inspector, to
the pleasure of the commissioners,
l districts. The state board of hor-
issue commissions as quarantine
ne members of said county board of
ommissioners and to the local in-
f. The said quarantine guardians,
, or members of said county boards
l commissioners, shall have full au-
r into any orchard, nursery, place
re trees or plants are kept and of-
or otherwise, or any house, store-
n, depot, or any other such place in
ion to inspect the same, or any

Sec. 4. It shall be the duty of said board of horticultural commissioners to record of their official doings, and to make port to the state board of horticulture, on fore the first day of October of each year, condition of the fruit interests in their sever tricts, what is being done to eradicate pests, also as to disinfecting, and as to quar against insect pests and diseases, and as to ing out all laws relative to the greatest good fruit interest. Said board may publish s ports in bulletin form, or may incorporate so of the same in their annual reports as may general interest.

Sec. 5. The salary of all inspectors worki der the county board of horticultural comm ers shall be two dollars and fifty cents ($2. day. In the case of the commissioners selves, their compensation shall be four per day, when actually engaged in the pe ance of their duties, and itemized necessar eling expenses incurred in the discharge o regular duties as prescribed in this act.

Sec. 6. It shall be the duty of the county of horticultural commissioners to keep a re their official doings and make a monthly re the board of supervisors; and the board of visors may withhold warrants for salaries members and inspectors thereof until such said report is made.

Sec. 7. An act entitled "An act to prote promote the horticultural interests of the approved March fourteenth, eighteen hundr eighty-one, and certain acts amendatory t approved March nineteenth, eighteen hundr eighty-nine, and March thirty-first, eightee dred and ninety-one, are hereby repealed.

Sec. 8. This act shall take effect and be i from and after its passage.

An act for the protection of horticulture, prevent the introduction into this stat sects, etc. Stats. 1899; ch. LXXVI.

TITLE 120.

HOSPITALS.

power upon the governing ipal corporations of the first e for the erection of a municipal o levy a tax therefor.

February 16, 1897; Stats. 1897, chap. xiii.]

of 1897 for act.

TITLE 121

OF CORRECTION.

see Penal Code, Appendix, title, on, p. 566.

TITLE 122.

MBOLDT BAY.

wing acts:

the United States certain tide- g to the state of California, for improving the harbor of Hum-

March 9, 1887; 1887, 59.]

the United States certain tide- g to the state of California, for improving the harbor of Hum-

March 15, 1889; 1889, 201.]

g purchase of certain lands in Stats. 1899, ch. CXXXI.

TITLE 123.

HUMBOLDT COUNTY.

A reference to local acts relating to Hu
county is contained in Deering's Annotate
Code, pp. 593-595.

TITLE 124.

HUNTING ON PRIVATE GROUND

A reference to acts relating to hunting
tained in Deering's Annotated Penal Co
595 and 596.

TITLE 125.

HUSBANDRY.

An Act providing for the appointment of
mission to make arrangements for the
reception of the national grange of the
of husbandry, and appropriating money
fray the expenses thereof.

[Approved March 6, 1889; 1889, 68.

The purpose of the act appears from the

TITLE 126.

INDIANS.

An act for the government and protectio
dians, passed April 22, 1850, 408, with its
ments, will be found in the General Laws
3650 et seq. Without further legislation, or
judication by the supreme court, it will
cult to determine how much, if any, of
force. It is deemed sufficient in this place
call attention to the subject.

ollowing:

or the auditing and examina-
ms against the State, of sol-
in the Indian wars in Califor-
ears from 1847 to 1857, to au-
tant-General to appoint a clerk
and making an appropriation

rch 31, 1897. Stats. 1897, chap.
clxxxvii.]

ITLE 127.

CK AND INFIRMARIES.

acts bearing on this subject
ring's Annotated Penal Code,

OME OF ADULT BLIND.

ne of Adult Blind.

ITLE 128.

NFANCY.

ee Civil Code, Appendix, title
q; Penal Code, Appendix, title

TITLE 129.

INSANE.

1. Generally.
2. Stockton Asylum.
3. Napa Asylum.
4. Southern California.
5. Mendocino.
6. Agnews.

1. Generally.

An act to prevent the overcrowding of a for the insane.

[Approved March 9, 1885; Stats. 1885, p.

Discharge of those improperly committed.

Section 1. No case of idiocy, imbecility, less chronic mental unsoundness, or acute a-potu, heretofore or hereafter committed to of the state asylums for the insane, whene the opinion of the resident physician of an asylum for the insane at Napa, after a examination of the case of any person com to the asylum of which he is the chief ex officer, it shall satisfactorily appear that su son has been improperly committed, and under the rule of exemptions provided for act, he shall have the authority, and it s his duty, to discharge such person so imp committed, and return him or her to the from which committed at the expense of county; and no person having been so disc shall be again committed to either of th asylums, unless permission for such comm be first obtained from the resident physi medical superintendent thereof; and in case son so discharged shall be again committe out such permission, the resident physi medical superintendent shall refuse to recei person, and shall not permit such person to ceived into the asylum under such comm

Sec. 2. All acts and parts of acts in

sions of this act are hereby re-

act shall take effect from and af-

An act to provide for the future
t of the state asylums for the in-

[arch 9, 1885; Stats. 1885, p. 32.]

pay for support.

he judge of the superior court of
his state shall inquire into the abil-
persons, committed by him to the
r the actual charges and expenses
at such person may remain in the
se an insane person committed to
der the provisions of this act shall
real or personal property sufficient
arges and expenses, the judge shall
rdian for such person, who shall
ll the provisions of the general
tate in relation to guardians, as
e are applicable; and when there is
oney in the hands of the guardian,
order a sale of the property of
rson, or so much thereof as may be
from the proceeds of such sale the
pay the board of trustees the sum
them each month, quarterly in ad-
maintenance of such ward; and he
of the proceeds of such sale, or
ds as he may have belonging to
for such clothing as the resident
, from time to time, furnish such
and he shall give a bond, with good
sureties, payable to the board of
approved by the judge, for the
rmance of the duties required of
t, as long as the property of his in-
ufficient for the purpose. If indi-
ersons have kindred of degree of
fe, father, mother, or children, liv-
state, of sufficient ability, who are
le, said kindred shall support such
e person to the extent prescribed

for paying patients. The board of trustees
furnish such blank bonds as are required b
section, to the several judges in this sta
breach of any bond provided for in this ac
be prosecuted in the superior court of any
in this state in which any one of the obligo
reside, and the same shall be prosecuted
district attorney of the county in which the
shall be brought, and shall be conducted th
out, and the judgment enforced, as in a ci
tion for the recovery of a debt. Should th
main in the hands of the board of trust
their treasurer, at the time any insane pe
discharged, any money unexpended, so p
the guardian or kindred, the same shall be
ed; provided, that the board of trustees sh
be required to refund any money for a frac
a month; but upon the death of any insa
son, after paying the ordinary burial ex
the remainder of any moneys received fr
guardians, or on deposit with the board o
tees or their treasurer, shall be refunded
person or persons thereto entitled, on d
Any moneys found on the person of any
person at the time of arrest shall be cert
by the judge and sent with such person
asylum, there to be delivered to the treas
be applied to payment of the expenses o
person while in the asylum; but upon the
ery of such insane person, all sums rem
after deducting such expenses, shall be r
to such person when discharged from the
All moneys belonging to the state, received
board of trustees, other than that appro
by the state, shall be kept by said truste
separate fund, to be known as a contingen
and the same shall, by the said trustees,
pended at such times and in such manne
the said board appears for the best int
said asylum, and for the improvement
and of the grounds and buildings therew
nected. A full, strict, and itemized accoun
such receipts and expenditures shall be
in the biennial report of said board of t
The kindred or friends of an inmate of t
lum may receive such inmate therefrom
giving satisfactory evidence to the judge

commitment that they, or any
ole and suited to take care of
re to such insane person, and
inst any of his acts as an in-
ich satisfactory evidence ap-
ne may issue an order, directed
he asylum, for the removal of
e trustees shall reject all other
ons for the release or removal
on, except the order of a court
ding in habeas corpus; and if,
it is brought to the knowledge
ified statement that the person
t cared for properly, or is dan-
or property by reason of such
ay order such person returned

and parts of acts in conflict
of this act are hereby re-

shall take effect immediately.

for the maintenance, support,
n certain cases of insane per-
n the state asylum for the in-
ne control and management of
tingent fund.

arch 19, 1889; 1889, 329.]

ty of insane person to support

ll be the duty of the sheriff of
state, or other officer, imme-
ting any person charged with
notify the district attorney of
ch said arrest is made of the
and it shall be the duty of the
of any county in this state,
the commitment of an in-
any state asylum of this
sane, by the judge of the
such county, to make dili-
ne ability of such insane person
charges and expenses of main-
rt for the time that such per-
the asylum, and said district

attorney shall forthwith notify the board
tees, or board of directors, as the case
of the asylum to which such insane perso
be committed, of the result of such inquir

Application for appointment of guardian.

Sec. 2. In case such insane person shal
shall thereafter become, the owner of p
real, personal, or mixed, it shall be the
the district attorney of the county from
such person shall have been committed,
such insane person has no general guar
apply to the judge of the superior court
the order of commitment, for the appo
of a general guardian of the person and es
either, of such insane person; such app
and appointment to be made in the ma
provided by the codes of this state for th
cation for appointment and appointm
guardians of infants and incompetent per

Hearing of application.

Sec. 3. At the hearing of such applicat
nesses may be subpoenaed as in civil cas
examined under oath to determine the cl
and value of the property of such insane
Upon proof of the existence of proper
personal, or mixed—belonging to such ins
son, the judge or court hearing the app
shall appoint a general guardian of the per
estate, or either, for such person, who
subject to all the provisions of the codes a
eral laws of this state in relation to guar
other cases, as far as the same may be ap
If at any time there is not sufficient mone
hands of the guardian to pay the cost
maintenance and support of said insane
as hereinafter provided, and said insane
has other property, the judge of said
court, or court, shall, upon the applicatio
guardian, or in case he shall neglect to a
the president of the board of directors o
of trustees; as the case may be, of the as
which such insane person has been comm
removed, order a sale of the property of
sane person, or so much thereof as may
essary to pay the charges and expenses o
taining and supporting such insane person

· to direct what property shall
to be made in the manner pro-
s of this state for the sale of
es of deceased persons.

e proceeds of such sale, or from
ds as the guardian may
to such insane person, he
board of trustees or board
the case may be, · of the
h such insane person has
· to which he or she may have
sum per month fixed upon by
advance for the maintenance
ch insane person; and he shall
ceeds of such sale or such other
have belonging to such insane
ch clothing as the medical su-
sident physician of such asy-
ne to time furnish to such in-

rdian of such insane person
with two good and sufficient
o the board of trustees or board
e case may be, of the asylum to
person has been committed or
oved by the judge of said supe-
faithful performance of his du-
ian.

to furnish blank bonds.
etary of state, under the advice
the attorney-general, shall have
h such blank bonds as are re-
to the several superior courts

reach of bond.
h of any bond provided for in
rosecuted by the board of trus-
rectors, as the case may be, of the
ich insane person has been com-
in their own names, in the su-
y county in this state, in which
igors may reside, and in which
brought, and shall be conduct-

ed throughout, and the judgment therein
ed, as in a civil action for the recovery of

Kindred to support indigent insane.

Sec. 8. If indigent insane persons have
of degree of husband, wife, children othe
minors, father, or mother, living within thi
of sufficient pecuniary ability, who are oth
liable, such kindred, in the order above
shall support such indigent insane person
ing to the board of directors or board of tr
as the case may be, of the asylum to whic
insane person has been committed or re
the sum per month fixed on by them, quart
advance, for the maintenance and supp
such indigent insane person, and such kind
the order above named, shall also pay
clothing as the resident physician of such
shall from time to time furnish to such i
insane person.

Action may be brought for failure of kin
comply.

Sec. 9. For a failure to perform the d
volving upon such kindred under the provis
this act, an action may be brought by the
of trustees or board of directors, as the ca
be, of the asylum to which such insane
has been committed or removed, in thei
names, against said kindred, in the order
named. Such action may be prosecuted
superior court of any county in this state in
said kindred, or either of them, may resi
in which the action shall be brought, wh
tion shall be conducted throughout, and th
ment therein enforced, as in a civil action
recovery of a debt.

Money refunded on discharge of patient.

Sec. 10. Should there remain in the hands
board of trustees or board of directors,
case may be, of any asylum for the insan
the hands of their treasurer, at the ti
insane person is discharged, any money
pended, so paid by the guardian or kindr
same shall be refunded; provided, that th
of trustees, or board of directors, as the ca
be, of said asylums, shall not be required
fund any money for a fraction of a mon

ny insane person, after paying
expenses, the remainder of
ed from the guardian or kin-
with the board of directors or
as the case may be, of such
osit with their treasurer, shall
person or persons thereto en-
Any moneys found on the
ne person at the time of arrest
o by the judge, and sent with
asylum, there to be delivered
the board of directors or board
case may be, of such asylum,
ne payment of the expenses of
n the asylum, but upon the re-
son, all sums remaining, after
penses, shall be returned to
discharged from the asylum.

to be kept separate.

eys belonging to the state re-
l of directors or board of trus-
ay be, of any state asylum for
han that appropriated by the
t by said board in a separate
as the contingent fund, and
the said board be expended at
uch manner as to the said board
st interest of such asylum, and
nt thereof, and of the grounds
ewith connected. A full, strict,
nt of all such receipts and ex-
included in the biennial report

be delivered to care of others.

dred, guardian, or friends of
tate asylum for the insane may
e therefrom on their giving sat-
to the judge of the court issu-
t that they or any of them are
to take care of and give proper
e person, and give protection
acts as an insane person. If
vidence appear to the court or
e an order directed to the med-
or resident physician, as the
ch asylum, for the removal of
the medical superintendent or

resident physician, as the case may be, sh
ject all other orders or applications for
lease or removal of any insane person, exc
order of a court or judge on proceedings
beas corpus; and if after such removal
brought to the knowledge of the judge by
statement that the person thus removed
cared for properly, or is dangerous to per
property by reason of such want of care, th
may order such person returned to the sa
lum.

Act construed.

Sec. 13. This act shall not be so construe
invalidate any existing claim occurring un
provisions of any prior statute in conflic
the provisions of this act.

Sec. 14. All acts in conflict with the pro
of this act are hereby repealed.

Sec. 15. This act shall take effect imme

An Act to establish a State Lunacy Comm
to provide a uniform government and
agement of the state hospitals for the
and to provide for the care, custody,
prehension of persons believed to be
and the commitment of insane perso
providing for the transfer of unexpend
propriations of moneys and properties.

[Stat. approved March 31, 1897, Stats. 1897
ccxxvii.]

The People of the State of California, repr
in Senate and Assembly, do enact as fol

ARTICLE I.

State Commission in Lunacy.

Section 1. This act shall be known as
sanity law.

Sec. 2. When used in this chapter, th
"poor person" means a person who is un
maintain himself and has no one legally
and able to maintain him; the term "an i
person" means one who has not sufficient p
to support himself while insane and the m

awfully dependent upon him for
rm "institution" means any hos-
uilding, house, or retreat, author-
have the care, treatment, or custo-
ne; the term "commission" means
ission in Lunacy; the term "pa-
n insane person committed to an
rding to the provisions of this

State Commission in Lunacy is
and shall consist of five commis-
ws: Three of such commissioners
ate Board of Examiners, who are
ted ex officio members of such
the absence of the governor from
f such commission, the secretary
ard of Examiners shall act in his
d, and with the same force and
uch extent shall be an ex officio
h commission. In the absence of
neral at any meeting of the Com-
acy, the assistant attorney-general
nber of such commission, and act
ect, and have the same power and
ould the attorney-general were he
ourth member of such Commission
who shall be the general superin-
state hospitals of California, shall
physician, a graduate of an in-
ical college, with at least ten years'
ne actual practice of his profession,
had six years' actual experience
l treatment of the insane, at least
hich must have been in the state
lifornia. The fifth member of the
ll be the secretary of the State
h, who shall be ex officio a member
sion. The salary of the general su-
the state hospitals for the insane
thousand dollars per annum, but
nged during his term of office. He
lowed his actual traveling and in-
es, the same to be audited by the
s of the commission. The re-
ers of the commission shall serve
. The general superintendent of
als for the insane shall be appoint-

ed by the governor immediately after the passage of this act, and shall hold no other office, and his term of office shall be four years from the date of his commission, and until his successor is appointed and qualified.

Sec. 4. The commission shall be provided by the secretary of state with a suitable furnished office in the state capitol, where it shall hold stated meetings at least once in three months. It may hold other meetings, at such office or elsewhere as it may deem necessary. It may employ a secretary, a stenographer, and such other employees as may be deemed necessary. The salaries and reasonable expenses of the commission and of the necessary clerical assistance shall be paid by the treasurer of the state on the warrant of the controller, and out of any moneys appropriated for the support of the insane; said expenses and salaries shall be paid pro rata from the amount appropriated for the maintenance of each state hospital.

Sec. 5. The commission shall have an official seal. Every process, order, or other paper issued or executed by the commission, may, by the direction of the commission, be attested, under its seal, by its secretary or by any member of the commission, and when so attested shall be deemed to be duly executed by the commission.

Sec. 6. The commission is charged with the execution of the laws relating to the care, custody and treatment of the insane, as provided in this act, not including feeble-minded persons and epileptics, as such, and idiots. They shall examine all public institutions authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds and other property connected with such institutions, and into all matters relating to its management. For such purpose each commission shall have free access to the grounds, buildings and all books and papers relating to any such institution. All persons connected with any such institution shall give such information and afford such facilities for any such examination or inquiry as the commissioners may require. The commis-

der appoint a competent person to
oks, papers, and accounts, and al-
eral condition and management
on to the extent deemed necessary
n the order.
general superintendent for the
for the insane shall visit every in-
st twice in each year. Such visits
jointly, or by a majority of the
such days and at such hours of
nt, and for such length of time as
nmissioner, or commissioners, may
ach commissioner may make such
he, or the commission, may deem
h visit shall include, to the full-
emed necessary, an inspection of
each institution, and all the out-
buildings, and grounds belonging
d in connection therewith. The
e commission, or a majority of the
of, shall from time to time make
of all records and methods of ad-
ne general and special dietary, the
hods of supplies, and, as far as the
will permit, of every patient con-
especially those admitted since the
, giving such as may require it,
unity to converse with the commis-
from the officers and attendants.
far as they deem necessary, ex-
ers, attendants, and other employ-
such inquiries as will determine
or their respective duties. At the
special meeting of the commission,
n visit, the visiting commissioner,
rs, shall report the result thereof,
ommendations for the better man-
provement in such institutions as
necessary. But such recommenda-
be contrary to the medical doc-
articular school of medicine adopt-
itutions. The commissioners shall,
me, meet the managers or responsi-
of such institutions, or as many
s as practicable, in conference, and
tail, all questions of management
ent of the institutions, and shall
s—34.

also send to them, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institutions as they may deem necessary or desirable.

Sec. 8. The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. All such insane shall be allowed to correspond, without restriction, with the superior judge and district attorney of the county from which they were committed. The by-laws, rules and regulations, books of record, and for steward's department, blank forms, both clinical and otherwise, questions for examination of employees, and questions for competitive examination in all the different branches of medicine and surgery, and specially in diseases affecting the mind and nervous system, of all assistant physicians and internes, otherwise than the first and second assistants, for the special use of the hospitals, shall be uniform for all hospitals, and shall be approved by the commission.

Sec. 9. Any physician who receives a certificate as a medical examiner in lunacy shall file such original certificate in the office of the clerk of the county where he resides, and forward a certified copy thereof to the office of the commission within ten days after such certificate is granted. The commission shall keep in this office a record showing the name, residence, and certificate of each duly qualified medical examiner, and shall immediately file in its office, when received, each duly certified copy of a medical examiner's certificate, and advise the examiner of its receipt and filing. No examiner shall be qualified until he has received from the commission an acknowledgment of the receipt and filing of his certificate.

Sec. 10. The commission shall keep in its office a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition, and date of commitment of every patient in custody in the several institutions for the care and treatment of insane per-

nd the name and residence of the
the petition for commitment, and
signing such medical certificate, and
aking the order of commitment;
e of the institution where each pa-
ed, the date of admission, and
ght from home or another institu-
om another institution, the name of
n, by whom brought, and the pa-
n;
of the discharge of each patient
itution since the first of July, eight-
and ninety-six, and whether recov-
ed, or unimproved, and to whose
ed;
rred, for what cause, and to what
d if dead, the date and cause of

e authorities of the several institu-
nsane shall furnish to the commis-
nentioned in the last preceding chap-
ther obtainable facts relating there-
mission may, from time to time, in
easonable discharge of its duties, re-
, with the opinion of the superin-
on, if requested. The superintend-
in charge of state hospitals, must,
rs after the admission of an insane
, cause a true copy of the medical
order on which such person shall
ived, to be made and forwarded to
he commission; and when a patient
harged, transferred, or shall die
superintendent, or person in charge,
hree days thereafter, send the in-
he office of the commission, in ac-
the forms prescribed by it.
commission shall report and rec-
he Legislature the necessary pro-
for the care, custody, and treat-
or and indigent insane. To prevent
in the state hospitals, it shall rec-
e Legislature the establishment of
ch of the now existing state hos-
eir judgment will best meet the re-
such insane. It shall also furnish
ture an estimate of the probable

number of patients who will become inma
the respective state hospitals during the
years beginning July first next ensuing, a
cost of all additional buildings and equip
if any, which will be required to carry o
provisions of this chapter relating to the
custody, and treatment of the poor and in
insane of the state. No money shall be ex
by the managers of a state hospital for th
tion of additional buildings, or for unusual
or improvements of state hospitals, excep
plans and specifications approved by the c
sion. The cost of such buildings as are to
cupied by patients, erected on the grounds
isting state hospitals including the nec
equipment for heating, lighting, ventilatin
tures, and furniture, shall in no case exce
proportion of five hundred and fifty dolla
capita for the patients to be accommodated
in.

Sec. 13. The commission shall, biennally,
to the legislature its acts and proceedings
two years ending June thirtieth last pre
with such facts in regard to the managem
the institutions for the insane as it may
necessary for the information of the legis
including estimates of the amounts requi
the use of the state hospitals, and the
therefor; and also the annual reports m
the commission by the board of managers
state hospital.

ARTICLE II.

Institutions for the Care, Custody, and Tre of the Insane.

Section 1. There are hereby established t
lowing hospitals for the care and treatm
the insane of the state of California, whi
hereby declared to be corporations:

First—The Stockton State Hospital at th
of Stockton, in the county of San Joaquin
erto known as the Stockton State Insane A
at Stockton, and all property now belong
said Stockton State Insane Asylum, a
moneys to its credit with the state controll

are hereby transferred to the Hospital at Stockton, and the and the state treasurer are here- o make such transfer.

State Hospital, near the city of of Napa, hitherto known as the ylum for the Insane at Napa, and ow belonging to said Napa State for the insane, and all moneys to the state controller and state treas- y transferred to the Napa State pa, and the state controller and the r are hereby authorized to make

vs State Hospital, near the city of a Clara county, hitherto known as ie Asylum at Agnews, and all prop- nging to said State Insane Asylum d all moneys to its credit with the r and the state treasurer are here- to the Agnews State Hospital at the state controller and the state hereby authorized to make such

docino State Hospital, near the n, county of Mendocino, hitherto Mendocino State Insane Asylum at moneys to its credit with the state the state treasurer are hereby the Mendocino State Hospital at ie state controller and the state hereby authorized to make such

ern California State Hospital, near San Bernardino, San Bernardino to known as the Southern Califor- ane Asylum for the insane and in- Bernardino, and all property now said Southern California State In- for the Insane and Inebriates, San nd all moneys to its credit with the r and state treasurer are hereby the Southern California State Hos- rnardino county, and the state con- e state treasurer are hereby author- such transfer.

h state hospital shall be under the management of a board of manag-

ers or trustees, subject to the statutory
of the commission, and to the provisions
act. Such trustees or managers shall herea
termed managers. Each hospital shall
board of five managers, the different mem
which shall be appointed by the governor
before the first day of January following
piration of the terms of office of the truste
in office, and after this act takes effect
manager to serve for a period of four yea
until his successor is appointed and quali
that after the expiration of the term of th
ent managers, the terms shall expire not
ceed two each year. If a vacancy occur
wise than by expiration of term, the appoi
of a manager to fill such vacancy shall
the unexpired term of the manager whos
is vacant.

Sec. 3. The managers, and their success
pointed after the appointment and classi
made pursuant to the preceding section, sh
erally be appointed by the governor, as o
a vacancy shall occur, or otherwise; and the
severally continue in office until their suc
are appointed and qualified, and they sh
subject to removal by the governor, upon
shown and an opportunity to be heard.
son shall be eligible to the office of manag
is either an elective or appointive state of
a member of the legislature, and if any suc
ager shall become a member of the legisla
an elective or appointive state officer, his
manager shall be vacant. If any manag
for three months to attend the regular m
of the board of which he is a member, un
be ill or absent from the state, his office s
vacant, and the board, by resolution, shall
clare, and a certified copy of every such res
shall forthwith be transmitted to the go
[Amendment approved March 21, 1899.
1899, ch. 128.]

Sec. 4. Subject to the statutory powers
commission, each board of managers sha
the general direction and control of all th
erty and concerns of the institution over
they are respectively appointed, not oth
provided by law. They may acquire and
the name of and for the people of the s

rant, gift, or bequest, property to
ie maintenance of insane persons
eral use of the hospital. All lands
e use of state hospitals shall be ac-
mnation as lands for public use are
those by gift, devise, or purchase,
hich purchase shall be approved
ion. No public street, or road for
er purposes, except for hospital
en through the lands of the state
the legislature, by special enact-
thereto. The managers shall re-
s per day for attendance at meet-
in the actual service of the state,
ary traveling and other expenses,
ther current expenditures of the
shall:
of the interests of the hospital,
design and its by-laws, rules, and
carried into effect, according to

such by-laws, rules, and regula-
the approval of the commission,
eem necessary and expedient for
ppointment and duties of officers
of the hospital, and for the inter-
discipline, and management of

n effective inspection of the hos-
purpose a majority of the board
ospital at least every month, and
l once a year, and at such other
e prescribed in the by-laws;
book provided for the purpose, a
cord of their doings, which shall
pen to the inspection of the com-
nacy, or either house of the legis-
ne the same;
e typewritten, within ten days af-
; of such managers, or a commit-
minutes and proceedings of such
ause a copy thereof to be sent
ch member of such board and to

book kept by them for that pur-
each of their visits, and the con-
spital and patients, and all such
t shall sign the same;

7. Make to the commission, on or bef
fifteenth day of August, of each year, a
report of their visits and inspection, with
suggestions and such other matters as ma
quired of them by the commission, for t
ending on the thirtieth day of June pr
such date of such report.

Sec. 5. Each board of managers shall
to appoint, for its hospital, as often as va
occur therein:

1. A medical superintendent, who sha
well-educated physician, a graduate of a
porated medical college, of good moral ch
and who has had not less than three year
rience in the care and treatment of the
The medical superintendent, and all the a
physicians, of the homeopathic hospital fo
sane, shall be homeopathic physicians. It
intendent shall be a well-educated phys
graduate of an incorporated medical col
good moral character, and who has had
than three years' experience in the care an
ment of the insane in hospitals for the tr
of the insane;

2. The treasurer, who shall be ex-offici
tary of the board of managers, who shall
the books, records, and papers pertaining
business of his office, who shall mainta
office wherever the board of managers ma
He shall give an undertaking to the peopl
state, in such sum as the board shall name
faithful performance of his trust, with su
be approved by a justice of the supreme
a judge of the superior court of the co
which the hospital is located. Any medica
intendent or any treasurer may be remov
majority vote of the board of managers fo
Such cause must be stated in writing
served upon the official charged, who sha
after be given an opportunity to be heard
he be removed upon such hearing, his
shall be final. [Amendment approved M
1899; Stats. 1899, ch. CXXVIII.]

Sec. 6. The medical superintendent
hospital shall be its chief executive officer
his absence or sickness the first assistant p
or other officer designated by the medical
tendent shall perform the duties and be su
the responsibilities of the superintendent.
to the by-laws, rules, and regulations es

anagers, the medical superin-
he general superintendence of
nds, and farm, together with
ures, and stock, and the direc-
ll persons therein, and shall:
aintain an effective supervision
parts of the hospital, and gen-
are and treatment of the pa-
l the superintendent shall per-
e condition of each patient
er his admission to the hospital,
e wards or apartments for pa-
s as the rules and regulations
l prescribe;
and with the consent of the
, assistant physicians, one of
oman; provided, that there are
t physicians and internes, the
rmined by the commission, as

t physician, who shall be well
ession, a graduate of an incor-
lege, of good moral character,
treatment of mental diseases,
e been engaged in the actual
ssion for five years immediate-
te of his appointment;
stant physician, who shall be
s profession, a graduate of an
l college, of good moral charac-
the treatment of mental dis-
all have been engaged in the
is profession for not less than
tely preceding the date of his

er than the first and second,
hall be well educated in their
es of an incorporated medical
character, and subject to com-
n in all the different branches
rgery, and specially in diseases
and nervous system; the ques-
ination to be prepared by the
ent, subject to the approval of

athic state hospital, a first and
ssistant physicians, an interne,
an incorporated college of the
of medicine. They shall be
racter, and shall possess the

same qualifications hereinbefore required
sistants and internes, respectively, in th
hospitals. The salary of medical superint
shall not exceed three thousand five hund
lars per annum; that of first assistant phy
three thousand dollars per annum; that of
ant physicians other than first assistant
cians, two thousand five hundred dollars
num; and that of internes, six hundred
each per annum.

5. A supervisor, matron, and steward,
employés none of whom shall be his rel
that of any member of the board of mana
elther consanguinity or marriage, who s
subject to such an examination as he de
the best interests of the hospital, the ques
be prepared by the general superintendent
hospitals, subject to the approval of the
sion;

6. The medical superintendent may rem
resident officer or employé for cause, pend
meeting of the board of managers. The
of employés, other than resident officers,
reported to the board of managers for thei
which shall be final, and in the case of resi
ficers notice in writing must be immediatel
to the resident officer removed, and to eac
ber of the board of managers. At the nex
ing of the board of managers, or at the
to which it has been regularly postponed, s
moval shall be considered and the person r
be heard, after which the managers shal
mine what shall be done in the matter, whic
ment shall be final. If the officer or employ
moved, the superintendent shall make a
thereof, with the reasons therefor, under the
priate head in one of the books of the h
Any officer or employé of a state hospital
an active part in politics, either directly
rectly, shall be summarily removed from su
pital.

7. The superintendent, assistant phy
steward, supervisor, and matron, shall re
the hospital or on the premises, and sh
designated the resident officers of the hospi

(c) Transmit, by mail, to the state lunac
mission, within five days after such discha
been approved by the board of managers, in
tion of any such discharge, and the cause
The commission shall preserve the name

employé, with the facts relating to
a book provided for that purpose;
orders and instructions as he may
ulated to insure good conduct,
nomy in every department of labor

salutary discipline among all who
the institution, and enforce strict
h his instructions and uniform
rules and regulations of the hospi-

and fair accounts and records of
ess and operations of the hospital,
larly, from day to day, in books or
for that purpose;
ll such accounts and records are
last day of June in each year, and
al facts and results, with his report
sented to the managers within
eafter, who shall incorporate it in
he commission;
ok, in which he shall cause to be
me of reception of any patient, his
, and occupation, and the date of
y whom brought, and by what au-
whose petition committed, and an
orders, warrants, requests, peti-
s, and other papers accompanying

al superintendent shall be required
keep the payrolls of the hospitals,
ll moneys; keep the accounts for
he patients, and expenses incurred
furnish the treasurer statements
fall due; turn all moneys collected
easurer, and report same to the
gers at each meeting; notify the
death or discharge of reimbursing
within five days after such death

iplicate estimates of the amount,
y of furniture and household fur-
rovisions, fuel, forage, clothing, or
thing, and other material required
months ending June thirtieth of
h shall be approved by the board
less a different time be allowed by
He shall submit two of the tripli-
o the commission, and file the third
he commission may revise the esti-

mate for supplies, either as to quality or q
thereof, and shall certify that it has caref
amined the same, and that the articles co
in such estimate, as approved by it, are
required for the use of the hospital; whe
after having approved the estimates, the
sion shall, beginning upon the fifteenth da
month preceding the month in which contr
to be let, advertise for four successive we
contracts for furnishing such supplies; said
tisement being in brief, referring to the
supplies and the fact that all contemplat
ders can receive schedules by applying to
perintendents or secretaries of the various
tals, or the state commission. All contrac
be awarded to the lowest responsible bi
bidders, upon their giving to the board
agers a bond, amounting to one-fourth
actual bids, as security for the faithful p
ance of the same. The board of managers
the right to reject any and all bids subm
them;

(k) Prepare monthly triplicate estimates
proved by the board of managers, two o
must be submitted to the commission,
other filed in the superintendent's office, fo
sary expenditures required for the hos
which he is superintendent for the ensuing
The commission may revise these estim
supplies, either as to the quality, quantity,
thereof, and shall certify that they have be
fully examined, and that the articles cont
such estimates, as approved by it, are actu
quired for the use of the hospital; whereu
board of managers shall direct the superin
to secure the supplies according to the a
estimates. [Amendment approved March 2
Stats. 1899, ch. CXXVIII.]

Sec. 7. The medical superintendents of
eral state hospitals, or their representativ
in the discretion of each board of manag
member of each board, to be designated
shall meet at least every three months, o
to be appointed by the commission, at u
of the commission, or at such other place
be designated by it, to consult with suc
mission with reference to matters relating
care and maintenance of the state hospit

ommission shall fix the annual sal-
ident officers and treasurer of the
which shall be uniform in all the
They shall classify the other offi-
yees in grades, and determine the
ages to be paid in each grade,
uniform in all the state hospitals.
d wages shall be included in the
tes, and paid in the same manner
s of the state hospitals. The med-
ents, the assistant physicians, and
f them and their families, shall be
household furniture, laundry ser-
n ill, provisions, fuel, and lights,
supplies of the hospital. [Amend-
March 21, 1899; Stats. 1899, ch.

edical superintendent of each hos-
r before the fifteenth day of each
o be prepared triplicate estimates
il, as approved by the board of
ne expenses required for the hos-
ne is superintendent, for the ensu-
e shall submit two such triplicate
e commission and file the third in
commission may revise estimates
ther expenditures, either as to the
tity thereof, and shall certify that
examined the same, and that the
ed in such estimates, as approved
it, are required for the use of the
upon, the board of managers, af-
ved the approved estimates, shall
n the state controller, as the mon-
uired for the purposes mentioned
d estimates, which drafts shall
he warrant of the controller out
the treasury of the state held for
nsane and the maintenance of the

noneys received by the board of
y state hospital, other than that
the state, shall be kept by said
arate fund, named the contingent
same shall, by the said board, be
uch supplies, expenses, buildings,
nts, as are required for the best
—35.

interests of such hospital, and for the i
ment thereof, and of the grounds and b
connected therewith. The medical supe
ent shall make triplicate estimates, in mi
tail, as approved by the board of mana
such supplies, expenses, buildings, and i
ments, two of which must be submitted
commission, and the third placed on file in
fice. The commission may revise the es
of such supplies, and shall certify that it h
fully examined the same, and that the s
expenses, buildings, and improvements co
in such estimates, as approved by it, are r
for the best interests of such hospital; w
on, the board of managers, after having
the revised and approved estimates, sh
ceed to purchase such supplies, make such
ditures, or construct such improvements o
ings without further authority, and if a
shall make a draft or drafts upon the t
of such hospital, as the money may be r
for the purposes mentioned in such es
which draft or drafts shall be paid by th
urer out of any money contained in the
gent fund to be used for the above-mentio
poses. The building act of eighteen hund
seventy-six shall not apply to any impro
structure, or building made under the pr
of this act.

Sec. 11. The treasurer of each hospital

1. Have the custody of all moneys
from the state or eleswhere, for the benefi
hospital, or any of its inmates, and keep a
rate account thereof.

2. Have the custody of all bonds, note
gages, and other securities and obligations
ing to the hospital.

3. Receive all money for the care an
ment of patients, and other sources of rev
the hospital.

4. Deposit all such money in a bank des
by the managers, conveniently near the
in his name, as treasurer, and send each m
the commission and to the board of ma
a statement showing the amount so recei
deposited, and from whom and for what r
and when such deposits were made. Suc
ment of deposit shall be certified by the pr

k receiving such deposit. The treas-
e an affidavit to the effect that the
d is all the money received by him,
ce of hospital income, up to the
t deposit appearing on such state-
k designated by the board of man-
e such deposits shall, before any
e, execute a bond to the people of
um approved by the board of man-
afe keeping of the funds deposited.
ie money deposited for the uses of
al, upon the voucher of the stew-
by the superintendent, in accord-
stimates made by the superintend-
d and approved by the board of
by the commission.
and accurate accounts of all re-
ments in the manner directed in
nd according to books and forms
ribed, and furnished by the com-

l accounts on his books annually,
of June, and make a statement
abstract of the receipts and pay-
ast year, and deliver the same,
s, to the finance committee of the
shall compare the same with the
hers, and verify the results by fur-
n with the books of the steward,
egard to the correctness thereof, to
t their next meeting.
account to the state of the books
and other property in his custody,
red by the managers, or by the

order of the board of managers,
se and satisfaction of a mortgage,
ther lien or debt, in favor of the
the same has been paid.
treasurer of each state hospital
ore the fifteenth day of each quar-
e board of managers, and to the
full and perfect statement of all
l expenditures, specifying the sev-
the last preceding quarter. Such
be verified by the affidavit of the
ed thereto, in the following form:

I, ——, treasurer of the —— state hospi
solemnly declare that I have deposited
bank designated by law for such purpose,
moneys received by me on account of the
tal during the last quarter, and I do further
that the foregoing is a true abstract of
moneys received, and payments made by
under my direction, as such treasurer, dur
quarter ending on the —— day of ——, 18—

There shall also be attached the affidavit
steward to the effect that the goods and
articles therein specified were ordered
chased, and received by him, or under hi
tion, at the hospital, and that neither he n
person in his behalf, had any pecuniary o
interest in the articles purchased; that he r
no pecuniary or other benefit therefrom
way of commission, percentage, deductio
presents, or in any manner whatever, dire
indirectly; that the articles and bills conf
all respects to the invoiced goods received
dered by him, both in quality and qu
Such statement shall be accompanied
vouchers showing the payment of the
items contained in the statement, and a
thereof by the superintendent, the amount
payments, and for what the payments were
Such approval may be contained on an
sheet, which shall refer to each voucher ap
by the superintendent, giving the num
voucher, the name of the claimant, an
amount at which it was approved. Such vo
shall be examined by the board of manage
by the commission, and compared with th
mates made for the quarter for which the
ment is rendered, and, if found correct, s
indorsed and forwarded by the commissio
the statement, to the state board of exa
If any voucher is found objectionable, the
of examiners shall indorse their disapprova
on, with the reasons therefor, and return it
treasurer, who shall present it to the super
ent for correction, and when corrected, re
to the board of examiners. All such vo
shall be filed in the office of the state bo
examiners.

Sec. 13. The treasurer of any state h
may, with the consent of the attorney-g

in th ename of the hospital, to
ise thereof:
lue upon any note or bond in his
to the hospital;
charged and due, according to
hospital, for the support of any
r for the actual disbursements
lf for necessary clothing and
;
iuse of action accruing to the

l powers and duties of the stew-
d, under the direction of the
hall be accountable for the
and economical use of all
under the direction of the
hall make all purchases for
cording to the provisions of
l ten and of paragraphs nine
on six, receive the same, and
inal bills and receipts therefor,
l accurate accounts of all such

chases of supplies for the use
all be made for cash, or on cred-
eeding sixty days, except by the
ate board of examiners; every
duly filled up, and with every
rs paid, there shall be proof, on
oucher was properly filled, on
aid. No expenditure for supplies,
shall be made by the board of
state hospital for the benefit of
contract or otherwise, unless in
he provisions of this act in re-
s. No manager or officer of the
nterested, directly or indirectly,
of material, labor, or supplies
hospital, nor shall any manager
n attorney or counsel for such
ate hospitals may manufacture
materials, to be used in any of
other public institutions as can
nade therein.
superintendent, treasurer, and
ntering upon his duties as such,
stitutional oath of office, and file
ffice of the secretary of state.

Sec. 17. No civil action shall be brought, court, against the commission or a commis in lunacy, or an officer or manager of a sta pital, because of any act done or failure form any act, while discharging their offic ties, without leave of the controller first ha obtained. Any just claim for damages such commission or commissioner, officer ployee, for which the state would be legi equitably liable, may be paid out of any appropriated for the care of the insane.

Sec. 18. The authorities for each institu the insane shall place on file in the office institution, the recommendations made commissioners as a result of their visit, purpose of consultation by such authoritie for reference by the commissioners upon th it to such institution.

ARTICLE III.

Section 1. Within sixty days after the of this act, the board of supervisors of eac ty of the state shall provide for and furnish in the city, city and county, or receiving ho situated in each county of the state a s room or rooms for the detention, board, ca treatment of the alleged insane. These roo their furnishings, shall be subject to the a of the state lunacy commission. This pe detention, board, care, and treatment shall less than one, nor more than twenty, days. the completion and furnishing of such r rooms within the time stated in section one article, it shall be the duty of the board of visors of each county to report the same commission; and it shall be the duty of a son having charge of, or control over, such county, county, or receiving hospital, to all commission at all times to make such ex tions or investigations of such room or roo their furnishings, as they in their judgmen necessary. This section shall not be const mean that insane persons may not be de cared for, boarded, and treated in their own homes of friends and relatives, or any licen

y and with the consent of the state
sion.
ficates of lunacy must show that it
of the medical examiners that the
person is actually insane, and must
vo reputable physicians, graduates
rated medical college, who have
tual practice of their profession at
s, and have filed with the commis-
d copy of the certificate of a su-
showing such qualifications in ac-
forms prescribed by the commis-
hysicians shall, singly or jointly,
minations of the person alleged to
enable them to form an opinion as
insanity. If, after such examina-
nclude the person is insane, they
certify, the date of such certificate
than the fifth day of the alleged in-
detention. Such certificate of lu-
n the form prescribed by the com-
nall contain the facts and circum-
hich the opinion of the physicians
how that the condition of the per-
s such as to require care and treat-
spital for the care, custody, and
e insane.
application for a commitment has
a peace officer, or by the chief offi-
city and county, county, or receiv-
by any other person other than a
d of the alleged insane person, no-
olication shall be served upon hus-
ather or mother, or next of kin of
sane person, if there be any such
esiding in the county, and if not,
on with whom the alleged insane
ide, or at whose house he may be.
r application shall be accompanied
te of lunacy of the medical exam-
ibed in the preceding section. The
such application is made, may, if
nade for a hearing in behalf of the
person, proceed forthwith to deter-
on of insanity, and if satisfied that
ane person is insane, may immedi-
order for the commitment of such

person to a hospital for the custody and t
of the insane. If, however, it appears t
insane person is harmless, and his relati
guardian of his person and estate, are wi
able to care for him, at some place other t
hospital, upon their written consent, t
may order that he be placed in the care
tody of such relative or such guardia
judge may, in his discretion, require othe
in addition to the certificate of the medic
iners. Upon the demand of any relative
friend in behalf of such alleged insane pe
judge shall, or he may, upon his own m
sue an order directing the hearing of su
cation before him, at a time not more th
days after the issuance of the medical ce
and the date of such order, which shall b
upon the parties interested in the applica
upon such other persons as the judge, in
cretion, may name. Upon such day he sh
the testimony introduced by the parties,
amine the alleged insane person, if deeme
able, in or out of court, and render a de
writing as to such person's insanity. If
termined that such person is insane, th
shall forthwith issue his order committin
a hospital for the custody and treatmen
insane, or make such other order as is
in this section. If such judge cannot hea
plication, he may, in his order directing t
ing, name some referee who shall hear t
mony, and report the same forthwith,
opinion thereon, to such judge, who shal
isfied with such report, render his deci
cordingly. If the commitment be made t
hospital, the order shall be accompanied b
ten statement of the judge as to the finan
dition of the insane person, and of the pe
gally liable for his maintenance, as far a
ascertained. The sheriff shall be immedia
tified of such commitment, and he shall
make provisions for the transfer of suc
person to such hospital. The application
mitment, the certificate in lunacy of the
examiners, the order directing a further he
provided in this section, if one be issued,
written statement of any and all testimo

judge or referee, and the or-
shall be presented at the time
to the superintendent or per-
the hospital or other place to
person is committed; and ver-
be forwarded by such super-
in charge, and filed in the of-
nacy commission. The relative,
hose care and custody any in-
mitted, shall forthwith file the
mmitment, certificate, a type-
of any and all testimony and
f the clerk of the county where
, and transmit a certified copy
the state lunacy commission,
retain another such certified
tendent or person in charge of
for the care and treatment of
use to receive any person upon
apers required to be presented
ith the provisions of this sec-
dgment, such person is not in-
eaning of this statute, or if re-
n may be discharged by the
rson shall be admitted to any
der such order after the expira-
from the date of issuance of
ate.
son ordered to be committed,
, or any friend in his behalf, is
e final order of the judge com-
ay, within five days after the
der, demand that the question
ied by a jury before the supe-
county. Thereupon the court
to be summoned, and to be in
stated, not less than five, nor
s, from the date of the demand
t such trial the cause against
shall be represented by the dis-
e county in which the hospital
trial shall be had as provided
l of civil cases before a jury,
ane shall be discharged, unless
s insane shall be found by at
of the jury trying the cause.
is made, or proceeding taken,

for such trial by jury, such person shall
deposit, or give a bond, to be approved by
perior judge, for the payment of all costs
jury trial, if the order of commitment
tained, unless, in the opinion of such
judge, the alleged insane person shall be
person, as defined under section two, artic
of this act. If the verdict of the jury
such person is insane, the judge shall certi
fact and make an order of commitment, a
the original hearing. Such order shall be
ed, at the time of commitment of such insa
son, to the superintendent or person in ch
the state hospital to which the insane pe
committed, and a copy thereof shall be for
to the commission by such superintendent
son in charge, and filed in the office thereo
ceedings under the order shall not be staye
ing the proceedings for determining the q
of sanity by a jury, except upon the order
superior judge, made after one day's notice
district attorney of the county, and after
ing, with provisions made therein for such
rary care or custody of the alleged insane
as may be deemed necessary; such ten
care and custody of the alleged insane s
provided for by the judge of the superio
granting the stay and, if the superior ju
the order granting the stay, shall commit
cused insane to the custody of any perso
than a peace officer, he may, by such or
quire a bond for his appearance at the t
a judge shall refuse to grant an application
order of commitment of an insane person
to be dangerous to himself and others, if a
he shall state his reasons for such refus
any person aggrieved thereby may demand
of the question of the insanity of such acc
sane, in the manner hereinbefore provide
jury trial, when demanded by or on behalf
accused insane. The party demanding
trial in this case shall be required to mak
posit of money, or give security for the cos
of, except as hereinbefore provided for in t
tion.

Sec. 5. The cost necessarily incurred in le
ing the insanity of a poor or indigent pers

ssion into a state hospital, and
oviding proper clothing for such
ance with the rules and regula-
he commission, shall be a charge
ity, county, or city and county
mitment. Such costs shall in-
owed by the judge ordering the
he medical examiners. If the
be committed is not a poor and
he costs of the proceedings to
nity and to secure his commit-
in this section, shall be a charge
shall be paid by the persons le-
s maintenance, unless otherwise
ige. If in such proceedings the
son is adjudged not to be insane,
his discretion, charge the costs
to the person making the appli-
r of commitment, and judgment
or the amount thereof and en-
on against such person.
for the care, support, and treat-
e other than the poor and indi-
mother, husband, wife, or chil-
person, if of sufficient ability,
of his person and estate, if his
for the purpose, shall cause him
d suitably cared for and main-
mission may inquire into the
any such person is cared for
and if in the judgment of the
not properly and suitably cared
a judge of the superior court for
it him to an hospital under the
article, but such order shall not
e judge finds and certifies in the
nsane person is not properly or
by such relative or guardian, or
is to the public to allow him to
maintained by such relative or
sts and charges of the commit-
tation of such insane person to
hall be paid by the guardian,
sband, wife, or children of such
ered in an action brought in the
e by the commission.
e officers, and other persons hav-

ing duties relating to the insane poor, are
with the duty of seeing that all poor and
insane persons within their respective mu
ities are speedily granted the relief confe
this chapter, and, when so ordered by a
judge, as herein provided, or by the com
shall see that they are, without unnecess
lay, transferred to the proper state hospit
vided for their care and treatment as ward
state. Before sending a person to any such
tal, they shall see that he is in a state of
cleanliness and comfortably clothed wit
clothing, in accordance with the regulatio
scribed by the commission. The commissio
by order, direct that any person it deems
able therefor shall not be so employed as
tendant. When the relatives, friends, or
ians of an insane person desire that he sh
ceive homœopathic treatment he may be
ted to the Southern California State Hospit
any county of the state, in the discretion
judge granting the order of commitme
vided the crowded condition of that hospi
not preclude his admission to the detri
other patients. Each female committed to
stitution for the insane shall be accompa
a female attendant, and, if necessary, by
proper person or persons. After the pati
been delivered to the proper officers of th
tal, the care and custody of the county or
pality from which he is sent shall cease.

Sec. 8. When an insane person is posse
sufficient property to maintain himself,
father, mother, husband, wife, or children
sufficient ability to maintain him, and his
is such as to endanger his own person, p
or the persons and property of others, the
ian of his person and estate, or such fathe
er, husband, wife, or children must provid
able place for his custody and confineme
there maintain him in such a manner as
approved by the commission. The distric
ney of the county, and all other city, to
county authorities are required to see that
visions of this act are carried into effec
most humane, efficient, and speedy manner
the refusal or neglect of a guardian or rel

n to cause him to be confined, as
act, the officers named in this sec-
to a judge of a superior court, or
ne supreme court, who, upon being
proper proofs, that such person is
ane and improperly at large, shall
t to one or more of the officers
ding them to apprehend and con-
e person in some comfortable and
accordance with the provisions
such officers, in apprehending such
all possess all the powers of peace
an order of commitment has been
ited, such officer shall forthwith
cal examiners, and after receiving
make application for the proper
nmitment to the proper institution
tody, and treatment of the insane,
y this act; and, if such order is
ficer shall take the necessary legal
him transferred to such hospital.
any alleged insane person be con-
er place than a state hospital, or
hospital, for a period longer than
r shall such person be committed
or insane person, to any prison,
criminals and drunkards, nor shall
in the same room with a person
convicted of crime. Any person
ne, and conducting himself in a
n a sane person would be disor-
ken in custody by a peace officer,
provided for in this act, until the
anity is determined, as prescribed
cer taking such person into cus-
diately notify two of the medical
shall forthwith take proper meas-
ermination of the question of the
person.

anagers of state hospitals may au-
rintendent to admit thereto, under
nt, insane persons, who are resi-
te, other than poor and indigent
when there is room for such in-
ut no patient shall be permitted to
n one room in any state hospital,
patient, his friends or relatives,

be permited to pay for his care and t
therein a sum greater than ten dollars
Such patients, when so received, shall b
to the general rules and regulations of t
tal. The amount agreed upon for the mai
of such insane person in a state hospital
secured by a properly executed bond,
therefor shall be collected monthly.

Sec. 10. Every superintendent, or p
charge, of a state hospital for the care a
ment of the insane, shall within three d
the reception of a patient, make or cau
made a thorough physical and medical
tion of such patient, on blanks prepared
clusively set apart for that purpose. He
make, or cause to be made, from time to
amination of the mental state, bodily c
and medical treatment of such patient,
manner and upon such blank forms, as
approved by the commission, during the t
patient remains under his care, and in t
of the death or discharge of such person,
state, upon such blank forms, the circu
thereof, and make such examinations at s
intervals of time and in such form as m
quired by the commission.

Sec. 11. When the building of any state
shall become overcrowded with patient
number of buildings shall be reduced b
other casualties, or for other sufficient c
commission may, in its discretion, cause t
fer of patients therefrom or direct that
required to be sent thereto, be transferr
other state hospital, where they can be
iently received, or make in emergencies
rary provision for their care, preferen
given in such transfer to a hospital in a
ing rather than a remote district. The
of such transfer shall be chargeable to t
and the bills for the same, when approve
commission, shall be paid by the tre
state on the warrant of the controller, ou
moneys provided for the care or support
sane.

Sec. 12. When the commission has r
believe that any person adjudged insane
fully deprived of his liberty, or is cruelly

inadequate provision is made
dical care, proper supervision,
it may ascertain the facts, or
tigation of the facts by one or
It, or the commissioner con-
eeding, may issue compulsory
endance of witnesses and the
s, and exercise the powers con-
ee in a superior court. If the
t proper, it may issue an order
al, directing and providing for
eatment, or both, as shall be
f such order be just and rea-
pproved by the judge of the
which the state hospital is sit-
h the insane person has been
require notice to be given of
such removal, it shall be bind-
all institutions and persons to
, and any willful disobedience
be a criminal contempt, and
. Whenever the commission
investigation into the general
dministration of any state hos-
, or places of detention for the
ay give notice to the attorney-
h investigation, and the attor-
ppear personally or by deputy,
sses who may be in attendance,
any member thereof, may at
examine the inmates of any
shouse, to ascertain if insane
erein.
e in custody as an insane per-
writ of habeas corpus, upon a
made by a relative or some
f to the superior judge of the
e hospital is located. Upon the
, the fact of his insanity shall
nd determined. The medical
nt, as it appears in the clinical
ven in evidence, and the super-
of the state hospitals wherein
in custody, and any other per-
touching the mental condition

erintendent of a state hospital,

on filing his written certificate with the
of board of managers, may discharge any
except one held upon an order of a court
having criminal jurisdiction in an action
ceeding arising out of a criminal offens
time, as follows:

1. A patient who, in his judgment, is re

2. Any patient who is not recovered, b
discharge, in the judgment of the superi
will not be detrimental to the public we
injurious to the patient;

provided, however, that before making
tificate, the superintendent shall satisfy
by sufficient proof, that the friends or rel
the patient are willing and financially ab
ceive and properly care for such patient
discharge.

When the superintendent is unwilling t
to the discharge of an unrecovered patie
request, and so certifies in writing, giving
sons therefor, any superior judge of th
in which the hospital is situated may, u
certificate and an opportunity of a heari
on being accorded the superintendent, a
such other proofs as may be produced be
direct, by order, the discharge of such
upon such security to the people of the st
may require for the good behavior and
nance of the patient. The certificate
proof, and the order granted thereon, shal
in the clerk's office of the county in which
pital is situated, and a certified copy of t
in the hospital from which the patien
charged. The superintendent may grant
to a patient, not exceeding thirty days, u
eral conditions prescribed by the com
The commission may, by order, discharge
tient who is not insane, nor a proper
treatment within the meaning of this act.
and indigent patient discharged by the
tendent because he is an idiot, or an epile
insane, or because he is not a proper
treatment within the meaning of this act.
returned to the county from which he w
mitted, to be cared for as are other indig
A patient committed to a hospital under

r six, title ten, part two, of the
his state, shall, upon the certifi-
rintendent that such person has
red by the superior judge of the
ich the patient was committed,
the sheriff of such county, and
vided for by said chapter six of

tient shall be discharged from a
hout suitable clothing adapted to
hich he is discharged; and if it
be obtained, the steward shall,
f the superintendent, furnish the
, not exceeding twenty-five dol-
his necessary expenses until he
atives or friends, or find an em-
a subsistence.

order be issued by any judge,
state hospital a poor or indigent
not acquired a legal residence in
board of managers shall return
on, either before or after his ad-
e hospital, to the country or state
ngs, and for such purpose may
of the money appropriated for
nsane as may be necessary, sub-
mmendation of the state lunacy
the approval of the state board of

rson, association, or corporation
keep an institution for the care,
ment of the insane for compensa-
thout first obtaining a license
e commission. Every application
shall be accompanied by a plan
proposed to be occupied, describ-
s of the buildings for the uses in-
t and location of grounds appur-
nd the number of patients pro-
ived therein, with such other in-
n such form, as the commission
e commission shall not grant any
hout first having made an exam-
remises proposed to be licensed,
hat they are substantially as de-
otherwise fit and suitable for the
ch they are designed to be used,

and that such license shall be granted. T
mission may, at any and all times, exan
ascertain how far a licensed institution
ducted in compliance with the license ther
after due notice to the institution, and opp
for it to be heard, the commission, havi
a record of the proceeding upon such
may, if the interests of the inmates of the
tion so demand, for just and reasonabl
then appearing, and to be stated in it
amend or revoke any such license by an
take effect within such time after the
thereof upon the licensee as the commissi
determine. The authorities of each in
for the insane shall place on file in the offi
institution the recommendations made by
missioners, as a result of their visits, for
pose of consultation by such authorities,
reference by the commissioners upon the

Sec. 18. That all appropriations made
legislature shall be made separate and
for each state hospital, and the commissi
paying the expenses incurred by them,
paid pro rata from the funds of the seve
hospitals, and the state controller is he
thorized to draw his warrants for the sa

Sec. 19. Nothing in this act shall affect
ure of the officers of the existing institut
the fixed salary of any officer elected by
boards of trustees or directors of asylums
state during their present term of office.

Sec. 20. All acts or parts of acts in conf
this act are hereby repealed.

Sec. 21. This act shall take effect from
ter its passage.

An act in relation to the superintendent
state insane asylum.

[Approved April 1, 1872; 1871-2, 845

This act, providing for the attendance
superintendent of the Napa asylum at
meetings was repealed by the act of M
1878, given below:

ation to the state insane asylum.

March 30, 1878; 1877-8, 767.]

or assistant to attend meetings of
ents of American institutions for

e superintendent of the state insane
kton, or one of his assistants, may
ual meetings of the superintendents
n institutions for the insane, and
ot to exceed four hundred dollars
ust be audited and allowed by the
iners, and paid out of the state
e resident physician of the Napa
or the insane, or one of his assist-
attend such annual meetings, and
ot to exceed four hundred dollars
ill also be audited by the board of
paid out of the state treasury; pro-
medical superintendent, or one of
of the Stockton asylum, may attend
n the year eighteen hundred and
and the resident physician, or one
s, of the Napa asylum, may attend
n the year eighteen hundred and
nd thereafter the said physicians
id meeting alternately.

ct entitled an act in relation to the
of the state insane asylum, ap-
rst, eighteen hundred and seventy-
repealed.
act shall take effect immediately.

STOCKTON.

ollowing acts:

ide for the erection of new build-
or the permanent improvement of
s upon the grounds of the state asy-
insane at Stockton, and to appro-
ey therefor.

d March 15, 1889; 1889, 199.]

nd dollars was appropriated for the
ted.

An act making an appropriation for supplying water, light, and fuel for the state insane asylum at Stockton, and to repeal an act entitled "An act making an appropriation for supplying water, light, and fuel for the state insane asylum at Stockton," approved March 11, 1889.

[Approved March 16, 1889; 1889, 225.]

This act appropriated forty thousand dollars and repealed a similar appropriation bill approved March 11, 1889.

An act empowering directors of Stockton asylum to provide for the construction and maintenance of an open canal from and along North street in the city of Stockton to the San Joaquin river for sanitary and drainage purposes was approved March 12, 1887; Stats. 1887, p. 109.

An act to provide for furnishing the boiler-house and for repairing the buildings upon the grounds of the state asylum for the insane at Stockton, and to appropriate money therefor.

[Approved March 14, 1889; 1889, 142.]

Twenty-nine thousand thousand seven hundred and fifty dollars was appropriated for the purpose indicated.

An act to provide for certain improvements in the state insane asylum at Stockton, California, and making an appropriation therefor.

[Approved March 23, 1893; Stats. 1893, p. 1

Ten thousand dollars was appropriated for the purpose indicated.

An act to provide for the purchase of apparatus and appliances for the protection of the buildings and property of the state insane asylum at Stockton, California, and making an appropriation therefor.

[Approved March 23, 1893; Stats. 1893, p. 18

The act provided five thousand dollars for the purpose.

ide for the erection of a building for
at the state asylum at Stockton,
e improvement of the drainage and
ly thereof.
ed March 13, 1883; 1883, 288.
propriated one hundred and sixty-
l dollars for the purposes mentioned

NAPA.

following acts:

ne appropriation of money for the
buildings, and improvements, and
se of land for the Napa state asy-
e insane.
ed March 13, 1883; 1883, 284.]
ropriated thirteen thousand five hun-
or the purpose indicated in the title.

propriate four hundred and ninety-
and dollars to pay the valid and
laims against the state, incurred in
e Napa state asylum for the insane,
nplete said structure, supply water
nd improve the grounds on which
e.
ed April 1, 1876; 1875-6, 804.]
sides appropriating money as indi-
tle, required the trustees to investi-
s for indebtedness incurred by the
ectors appointed under the act of
2.
um of forty-eight thousand dollars
ated for paying outstanding liabili-
ing deficiencies by act of April 3,
51.

ide a supply of water for the Napa
e asylum for the insane.
ed April 3, 1876; 1875-6, 883.]
vided for the condemnation for the
pplying water to the asylum of any

springs and natural sources of water supp
in a mile and a half of the asylum ground

An act to provide for the erection of a
for the insane at the state insane as
Stockton.

[Approved April 15, 1880; 1880, 61 (Ban. e

This act appropriated eighty-five thous
lars for the purpose indicated in the title

An act to provide for the purchase of a
grounds for the state insane asylum

[Approved March 14, 1881; 1881, 8

This act appropriated twelve thousand
to purchase a tract of land from W. H.
for the purpose mentioned.

A similar act was also approved March
Stats. 1895, p. 240.

An act to provide for the construction
nishing of two infirmaries at the Na
asylum for the insane, and making a
priation therefor.

[Approved March 16, 1889; 1889, 2

This act appropriated twenty-eight t
dollars for the purpose indicated.

An act to provide further accommodation
insane of the state of California, and
vide a special fund therefor.

[Approved March 27, 1872; 1871-2, 6

This act provides for the establishment
asylum for the insane; for the appointmen
missioners to select a site, and for the
tion and management of the institution.
selected was Napa, and the asylum has b
there. Its management, as provided by
has, however, been superseded by the p
of the act of March 6, 1876, given below.
tion 22 of that act, as will be seen by ref
it, this act was continued in force only f
cial purpose. Under the circumstances,
is omitted, except its title and reference

t the sale of intoxicating liquors
ain distance of the Napa state
e insane.
nuary 15, 1874; 1873-4, 27.]

for the completion of the Napa
for the insane, and for other

larch 24, 1874; 1873-4, 565.]
riated six hundred thousand dol-
etion of the Napa insane asylum,
s then made, and required the
npleted for the sum so appro-

e for the future management of
e asylum for the insane.
March 6, 1876; 1875-6, 133.]
mended March 17, 1887, Stats.
March 19, 1889, Stats. 1889, p.
883, Stats. 1883, p. 281.

ze and empower the board of
e Napa State Asylum for the
and convey a portion of real
te in Napa county, in the State
and belonging to said state, to
for the purpose of a public high-
sell and convey a certain other
l tract to an individual or indi-

March 20, 1889; 1889, 422.]
this act is indicated by the title.

e for certain improvements and
Napa State Asylum for the in-
king an appropriation therefor.
March 16, 1889; 1889, 205.]
riated four thousand dollars for
d laying new planking and floor-
nd hallways.

SOUTHERN CALIFORNIA.

Consult the following acts:

An act to provide for the erection and ment of a State hospital for the insan located in southern California.

[Approved March 11, 1889; 1889, 12

See also amendatory acts of March 3 Stats. 1891, p. 481, and March 27, 1895, Sta p. 207.

An act making an appropriation for ad improvements for the southern Ca State hospital for the insane.

[Approved April 6, 1891; Stats. 1891, p.

An act making an appropriation to pay t ciency in the appropriation for additio provements for the southern Californ asylum for the insane and inebriates.

[Approved March 3, 1893; Stats. 1893, p

An act making an appropriation for the of additional buildings and improveme the southern California State asylum insane and inebriates.

[Approved March 3, 1893; Stats. 1893, p

One hundred and seventeen thousand fi dred dollars was appropriated for the pur dicated.

An act to provide for certain improvement Southern California state hospital, an ing an appropriation therefor.

[Approved March 22, 1899; Stats. 1 CXL.]

An act authorizing the trustees to conv tain water rights, approved March 27, 1895 1895, p. 232.

DOCINO ASYLUM.

lowing acts:

an act to establish a branch in- for the insane of the State of Ukiah, to be known as the Men- nsane asylum, and appropriating or.

uary 20, 1889; Stats. 1889, p. 25.]

priate $100,000 for the Mendo- asylum, to complete the female chase furniture, and furnish the rected and to be erected by of said asylum; to con- ant for lighting said build- prove the grounds thereof; to -stock and agricultural imple- used for asylum purposes; to con- enter-shop and morgue thereon; e bakery; to construct a dam to ter supply to said asylum; for round, and constructing a sewer urchasing laundry machinery and ture; to appropriate money there- vide for the expenditure of the

arch 3, 1893; Stats. 1893, p. 67.]

an act to appropriate money to ns of McGowan and Butler for ining walls to "The Mendocino for the Insane," for grading and grounds thereof, and for con- ainage and sewer system in and ldings, which work was perform- terial furnished said asylum un- with the board of directors of

ch 9, 1893; Stats. 1893, p. 110.]

e the name of the Mendocino for the Insane to Mendocino

rch 3, 1893; Stats. 1893, p. 75.]
-37.

An act to appropriate sixty thousand d
the erection of an administration bu
the use and occupancy of the officers
ees, and patients of the Mendocino A
purchase furniture and furnish the
so to be erected by the directors of
lum; to appropriate money therefor,
vide for the expenditure of the same.

[Stat. approved April 1, 1897, stats. 18
cclxiv.]

AGNEWS.

Consult the following acts:

An act to provide an additional asylu
insane of the state of California.

[Approved March 9, 1885; Stats. 1885,

An act to amend this act was approve
11, 1889, Stats. 1889, p. 130.

An act appropriating the sum of two hun
five thousand dollars for the erection
tional buildings at Agnews for the u
chronic insane, to appropriate money
and to provide for the expenditure of t

[Approved March 14, 1889; 1889, 1

This act appropriated two hundred
thousand dollars for the purpose indica
took effect immediately.

An act appropriating the sum of two hun
fifty thousand dollars for the erection
tional buildings for the use of the ch
sane, to appropriate funds therefor, an
vide for the expenditure of the same.

[Approved March 4, 1887; 1887, 1

TITLE 130.

INSOLVENCY.

Acts relating to, see Code of Civil Pr
Appendix, title Insolvency, p. 817.

TITLE 131.

INSURANCE.

to the noninsurance of property
he state against risk of damage
by fire.

rch 10, 1891; Stats. 1891, 70.]

property belonging to this state
insured against risk of damage
fire, and no policy of fire insur-
g upon any property belonging
l be renewed at the expiration
he state printing-office and its

shall take effect immediately.

relating to, see Civil Code, Ap-
rance, p. 777 et seq.

TITLE 132.

TERPRETERS.

see Code of Civil Procedure, Ap-
preters, p. 856; Penal Code, Ap-
preters, p. 576.

TITLE 133.

ICATING LIQUORS.

see Penal Code, Appendix, title
ors, p. 578.

TITLE 134.

NVENTORY.

an inventory of the state and
ty, and directing that a record
e kept.

d February 9, 1897; ch. 7.]

e act appears from its title.

TITLE 135.

INYO COUNTY.

A reference to special acts relating to Iny county is contained in Deering's Annotated Pena Code, p. 599.

TITLE 136.

IRRIGATION DISTRICTS.

[The Irrigation Act of 1897 can be found po p. 462. As the irrigation districts now in for were formed under the prior acts and as the leg questions involved in relation to them depend u on the construction of these prior acts it is deer ed best to set them forth in full.]

An Act to amend "An Act amendatory of a supplemental to an act entitled 'An Act to pr vide for the organization and government irrigation districts, and to provide for the a quisition of water and other property, and t the distribution of water thereby for irrig tion purposes,' approved March 7, 1887, pr viding for the exclusion of certain lands wit in any such district."

[Approved Feb. 16, 1889; Stats. 1889, p. 21.]

Boundaries of irrigation districts, how changed. Section 1. The boundaries of any irrigation d trict now or hereafter organized under the pro sions of an act entitled "An act to provide for t organization and government of irrigation d tricts, and to provide for the acquistion of wat and other property, and for the distribution water thereby for irrigation purposes," approv March seventh, one thousand eight hundred a eighty-seven, may be changed, and tracts of la which were included within the boundaries such district at or after its organization under t provisions of said act may be excluded therefro in the manner herein prescribed; but neither su change of the boundaries of the district nor su

d of directors on petition.
, upon the hearing of any such peti-
ce or proofs in support thereof be
f the evidence fail to sustain said
the board deem it not for the best
e district that the lands, or some
, mentioned in the petition should
om the district, the board shall or-
etition be denied as to such lands;
board deem it for the best interests
that the lands mentioned in the pe-
portion thereof, be excluded from
d if no person interested in the dis-
se, in writing, why the said lands,
n thereof, should not be excluded
ct, or if, having shown cause, with-
e, or upon the hearing fails to estab-
tions as he may have made, then it
y of the board to, and it shall forth-
order that the lands mentioned and
e petition, or some defined portion
luded from said district; provided,
the duty of said board to so order,
herefor as aforesaid, that all lands
to be excluded from said district
led therefrom which cannot be irri-
r which are not susceptible to, or
reason of being permanently devot-
er than agricultural, horticultural,
grazing, be directly benefited by
gation of the same from a common
he same system of works with the
said district, or from the source se-
or provided, or the system adopted
ion of the lands of said district, or
ady irrigated or entitled to be irri-
other source or by another system
orks; but no lands included within
ny city or town, or which shall have
d into town lots or blocks, shall be
r the provisions of this act, and no
d or entitled to be irrigated from
e or by another system of irrigation
e excluded under the provisions of
any district organized before the
s act. [Amendment approved March
s. 1893, 516.]

said notices must be so posted on the la
posed to be excluded. The notice shall s
filing of such petition, the names of the pet
a description of the lands mentioned in s
tion, and the prayer of said petition; and
notify all persons interested in, or who
affected by such change of the boundarie
district, to appear at the office of said
a time named in said notice, and show c
writing, if any they have, why the chang
boundaries of said district, as proposed
petition, should not be made. The tim
specified in the notice at which they sha
quired to show cause shall be the regular
of the board next after the expiration of
for the publication of the notice. [Amendm
proved March 25, 1893; Stats. 1893, 516.]

Hearing of petition.

Section 4. The board of directors, at
and place mentioned in the notice, or at
or times to which the hearing of said petit
be adjourned, shall proceed to hear the
and all evidence or proofs that may or sh
troduced by or on behalf of the petitioner
tioners, and all objections to such petit
may or shall be presented in writing by
son showing cause as aforesaid, and all
and proofs that may be introduced in su
such objections. Such evidence shall
down in shorthand, and a record made the
filed with the board. The failure of an
interested in said district, other than the
of bonds thereof outstanding at the tim
filing of said petition with said board,
cause, in writing, why the tract or tracts
mentioned in said petition should not be
from said district, shall be deemed and
an assent by him to the exclusion of such
tracts of land, or any part thereof, from
trict; and the filing of such petition w
board, as aforesaid, shall be deemed and
an assent to each and all of such petit
the exclusion from such district of the la
tioned in the petition, or any part there
expenses of giving said notice and of t
said proceeding shall be paid by the perso
sons filing such petition. [Amendments
March 25, 1893; Stats. 1893, 516.]

ary of the board, shall be filed for
corder's office of each county with-
tuated any of the lands of the dis-
district, notwithstanding such ex-
e and remain an irrigation district
ry intent and purpose, as it would
ge been made in the boundaries of
had the lands excluded therefrom
ted a portion of the district.
pproved March 25, 1893; Stat. 1893,

of.
f the lands excluded from any dis-
act shall embrace the greater por-
ision or divisions of such district,
of director for such division or di-
ecome and be vacant at the expira-
s from the final order of the board,
f the superior court as provided in
ling said lands, and such vacancy
all be filled by appointment by the
isors of the county where the office
is situated, from the district at
ector appointed as above provided
ffice until the next regular election
t, and until his successor is elected
[Amendment approved March 25,
3, 516.]

tricts.
At least thirty days before the next
n of such district, the board of di-
shall make an order dividing said
e divisions, as nearly equal in size
cticable, which shall be numbered
third, fourth, and fifth, and one
e elected by each division. For the
ction in such district, the board of
establish a convenient number of
cts and define the boundaries there-
l precincts may be changed from
s the board of directors may deem
mendment approved March 25,
93, p. 516.]

dians, executors, etc.
uardian and executor, or an admin-
estate, who is appointed as such
s of this state, and who as such

Outstanding bonds.

Section 6. If there be outstanding bon
district at the time of the filing of said
the holders of such outstanding bonds
their assent, in writing, to the effect that
erally consent that the lands mentione
petition, or such portion thereof as ma
cluded from said district by order of sa
or the decree of the superior court as he
provided, may be excluded from the dis
if said lands, or any portion thereof, be t
excluded from the district, the lands so
shall be released from the lien of such ou
bonds. The assent must be acknowledge
several holders of such bonds in the sam
and form as is required in case of a co
of land, and the acknowledgment shall
same force and effect as evidence as the
edgment of such conveyance. The
shall be filed with the board, an
be recorded in the minutes of the
and said minutes, or a copy thereof, cer
the secretary of said board, shall be a
in evidence. with the same effect as the
sent, and such certified copy thereof ma
corded in the office of the county record
county wherein said lands are situated.
ment approved March 25, 1893; Stat. 1893

Sections 7 and 8 repealed, amendment
March 25, 1893, Stats 1893, p. 516.

Orders to be filed in the recorder's office

Section 9. In the event the said board
ors shall exclude any lands from said dist
petition therefor, or in the event any lan
cluded from the said district by a decree
as hereinafter provided for, upon receipt
tified copy of a decree so made, it sha
duty of the board of directors to make
in the minutes of the board, describing
daries of the district, should the exclusio
lands from said district change the boun
said district, and for that purpose the b
cause a survey to be made of such portio
district as the board may deem necessar
certified copy of the entry in the minut
board excluding any land, whether after
said decree of exclusion, certified by

of the board, shall be filed for
ler's office of each county with-
ed any of the lands of the dis-
rict, notwithstanding such ex-
ld remain an irrigation district
ntent and purpose, as it would
een made in the boundaries of
the lands excluded therefrom
a portion of the district.
ved March 25, 1893; Stat. 1893,

e lands excluded from any dis-
shall embrace the greater por-
n or divisions of such district,
irector for such division or di-
e and be vacant at the expira-
m the final order of the board,
e superior court as provided in
said lands, and such vacancy
e filled by appointment by the
s of the county where the office
situated, from the district at
appointed as above provided
until the next regular election
d until his successor is elected
nendment approved March 25,
16.]

s.
ast thirty days before the next
such district, the board of di-
ll make an order dividing said
visions, as nearly equal in size
able, which shall be numbered
d, fourth, and fifth, and one
ected by each division. For the
n in such district, the board of
ablish a convenient number of
nd define the boundaries there-
recincts may be changed from
e board of directors may deem
dment approved March 25,
p. 516.]

s, executors, etc.
dian and executor, or an admin-
tate, who is appointed as such
f this state, and who as such

guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed. [Amendment approved March 25, 1893; Stats. 1893, 516.]

Excluded lands, liability of.

Sec. 13. Nothing in this act provided shall in any manner operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but, upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed, or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever incurred after the filing with the board of directors of said district, the petition for the exclusion of said lands from the said district, provided, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented

on of such lands from said dis-
fore provided. [Amendment ap-
1893; Stats. 1893, 516.]
et shall take effect from and af-

ory of and supplemental to an
rovide for the organization and
irrigation districts, and to pro-
acquisition of water and other
for the distribution of water
irrigation purposes," approved
and providing for a change of
s of irrigation districts, by in-
lands therein.
ebruary 16, 1889; 1889, 18.]
aries, how affected.
boundaries of any irrigation dis-
after organized under the provi-
titled "An Act to provide for the
government of irrigation dis-
ide for the acquisition of water
ty, and for the distribution of
irrigation purposes," approved
ay be changed in the manner
but such change of the boun-
ict shall not impair or affect its
s rights in or to property, or any
rivileges of whatsoever kind or
it affect, impair, or discharge
igation, lien, or charge for or
as or might become liable or
uch change of its boundaries not

ay petition for change of boun-

lder or holders of title, or evi-
presenting one-half or more of
adjacent to the boundary of an
, which are contiguous, and
her, constitute one tract of land,
board of directors of said district
ng, praying that the boundaries
ay be so changed as to include
The petition shall describe the
d parcel or tract of land, and
e the boundaries of the several

parcels owned by the petitioners, if the pe
be the owners respectively of distinct par
such descriptions need not be more particu
they are required to be when such lands
tered by the county assessor in the ass
book. Such petition must contain the a
the petitioners to the inclusion within sai
of the parcels or tracts of land describe
petition, and of which said petition alle
are respectively the owners; and it mus
knowledged in the same manner that con
of land are required to be acknowledged.

Publication of petition.

Sec. 3. The secretary of the board of
shall cause a notice of the filing of such
to be given and published in the same ma
for the same time that notices of special
for the issue of bonds are required by sa
be published. The notice shall state the
such petition and the names of the petit
description of the lands mentioned in s
tion, and the prayer of said petition; and
notify all persons interested in or that
affected by such change of the boundari
district to appear at the office of said bo
time named in said notice and show cause
ing, if any they have, why the change in t
daries of said district, as proposed in s
tion, should not be made. The time to be
in the notice at which they shall be req
show cause shall be the regular meetin
board next after the expiration of the tim
publication of the notice. The petitioners
vance to the secretary sufficient money to
estimated costs of all proceedings under

Hearing of petition.

Sec. 4. The board of directors, at the t
place mentioned in the said notice, or
other time or times to which the hearing
petition may be adjourned, shall proceed
the petition, and all the objections the
sented in writing by any person showing
aforesaid why said proposed change of t
daries of the district should not be ma
failure by any person interested in said di
in the matter of the proposed change of
daries, to show cause, in writing, as a

ıade as the board may deem neces-

ndaries to be recorded.
n a change of the boundaries of a
made, a copy of the order of the
ors ordering such change, certified
ıt and secretary of the board, shall
ord in the recorder's office of each
which are situated any of the lands
and thereupon the district shall be
irrigation district, as fully, and to
d purpose, as if the lands which are
district by the change of the boun-
said had been included therein at
anization of the district.

tion in minutes.
on the filing of the copies of the or-
st preceding section mentioned, the
record in the minutes of the board
oresaid; and the said minutes, or a
thereof, shall be admissible in evi-
same effect as the petition.

ian, executor, etc.
uardian, an executor, or an admin-
estate, who is appointed as such
s of this state, and who, as such
ıtor, or administrator, is entitled to
of the lands belonging to the estate
esents, may, on behalf of his ward
which he represents, upon being
orized by the proper court, sign and
he petition in this act mentioned,
cause, as in this act mentioned, why
of the district should not be

districts.
case of the inclusion of any land
trict by proceedings under this act,
irectors must, at least thirty days
t succeeding general election, make
ding such district into five divisions,
al in size as may be practicable,
be numbered first, second. third,
h, and one director shall thereafter
each division. For the purposes of
oard of directors must establish a

or the proposed change of its boundari
show cause as aforesaid why such bo
should not be changed, and shall not with
same, and if the board of directors deem i
best interests of the district that the bo
thereof be so changed as to include the
lands mentioned in the petition, or some pa
of, the board shall adopt a resolution to
fect. The resolution shall describe the
boundaries of the lands which the board a
opinion should be included within the bo
of the district when changed.

Election to determine change of bounda

Sec. 8. Upon the adoption of the resolut
tioned in the last preceding section, th
shall order that an election be held within
trict, to determine whether the boundari
district shall be changed as mentioned
resolution; and shall fix the time at wh
election shall be held, and cause notice th
be given and published. Such notice shall
and published, and such election shall be
conducted, the returns thereof shall be m
canvassed, and the result of the election a
ed and declared, and all things pertainin
conducted in the manner prescribed by sa
case of a special election to determine
bonds of an irrigation district shall be iss
ballots cast at said election shall con
words "For change of boundary," or
change of boundary," or words equivale
to. The notice of election shall describe
posed change of the boundaries in such
and terms that it can readily be traced.

Duty of board on result of election.

Sec. 9. If at such election a majority o
votes cast at said election shall be agai
change of the boundaries of the district, t
shall order that said petition be denied, a
proceed no further in that matter. But if
ity of such votes be in favor of such chan
boundaries of the district, the board sha
upon order that the boundaries be chang
cordance with said resolution adopted
board. The said order shall describe th
boundaries of said district, and for that
the board may cause a survey of such

r the election of said first board of

court shall fix the time for the hear-
tition, and shall order the clerk of
ve and publish a notice of the filing
on. The notice shall be given and
he same manner, and for the same
, that a notice of a special election
y said act to determine whether the
district shall be issued is required to
ublished. The notice shall state the
fixed for the hearing of the petition,
r of the petition, and that any per-
in the organization of said district,
eedings for the issue or sale of said
on or before the day fixed for the
d petition, demur to or answer said
petition may be referred to and de-
notice as the petition of the board
f —— irrigation district (giving its
g that the proceedings for the issue
e bonds of said district may be ex-
ved, and confirmed by said court.
ties may answer petition.
person interested in said district, or
r sale of said bonds, may demur to
id petition. The provisions of the
Procedure respecting the demurrer,
er to a verified complaint, shall be
demurrer and answer to said peti-
sons so demurring to or answering
nall be the defendants to said special
d the board of directors shall be the
y material statement of the petition
y controverted by the answer must,
ses of said special proceeding, be
and each person failing to answer
nall be deemed to admit as true all
tatements of the petition. The rules
d practice, provided by the Code of
re, which are not inconsistent with
of this act, are applicable to the
ding herein provided for. A motion
l must be made upon the minutes of
e order granting a new trial must
ues to be re-examined on such new

convenient number of election precincts
districts, and define the boundaries thereof
said precincts may be changed from time
as the board may deem necessary.

Sec. 14. This act shall take effect from a
its passage.

An Act supplemental to an act entitled "A
provide for the organization and gov
of irrigation districts, and to provide
acquisition of water and other prope
for the distribution of water thereby
gation purposes," approved March 7, 1
to provide for the examination, appro
confirmation of proceedings for the is
sale of bonds issued under the provi
said act.

[Approved March 16, 1889; 1889, 2

Proceeding to determine as to sale of bond

Section 1. The board of directors of a
tion district, now or hereafter organized u
provisions of the act entitled "An act to
for the organization and government of i
districts, and to provide for the acquisitio
ter and other property, and for the distrib
water thereby for irrigation purposes," a
March seventh, eighteen hundred and eig
en, may commence a special proceeding in
which the proceedings of said board and
district, providing for and authorizing t
and sale of the bonds of said district,
said bonds or any of them have or have
been sold, may be judicially examined, a
and confirmed.

Petition of directors asking judicial deter

Sec. 2. The board of directors of the i
district shall file in the superior court of t
ty in which the lands of the district, or s
tion thereof, are situated, a petition pra
effect, that the proceedings aforesaid ma
amined, approved, and confirmed by th
The petition shall state the facts showing
ceedings had for the issue and sale of sai
and shall state generally that the irriga
trict was duly organized, and that the fir
of directors was duly elected; but the petit
not state the facts showing such organiz

isions of an act entitled "An act to
organization and government of ir-
ts, and to provide for the acquisi-
nd other property, and for the dis-
ater thereby for irrigation pur-
ed March seventh, eighteen hun-
y-seven, shall determine that the
ied indebtedness of such irrigation
ter than such district is liable to
te its system as planned, and there
ling bonds, the board of directors
ial election for the purpose of vot-
position to reduce such bonded in-
such sum as the board may deter-
fficient for such purpose.
election shall be held in the same
er elections held under the provis-
. A notice of the said election shall
e same manner as provided in sec-
said act, in relation to calling spe-
or issuance of bonds. The notice
st state the amount of the author-
iebtedness of such district, and the
ch it is proposed to reduce the same;
on which said election will be held
g places, as established by said
ors. The ballots cast at said elec-
in the words "For reducing bonds—
educing bonds—No."
n the vote is canvassed by the
ors and entered of record, if a ma-
votes cast shall be "For reducing
hen in that event the board of di-
nly be empowered to issue or sell
of bonds as was stipulated in the
such special election; but if a ma-
otes are not "For reducing bonds—
authority to issue bonds shall re-
as before said special election was

ase there be outstanding bonds of
siring to take advantage of the pro-
act, the assent of such bondholders
ed to such reduction of the bonded
in the same manner as provided in
an act supplemental to said act, en-
amendatory of and supplemental to

trial, and the findings of the court upon th
issues shall not be affected by such order g
a new trial.

Jurisdiction of court.

Sec. 5. Upon the hearing of such speci
ceedings, the court shall have power and j
tion to examine and determine the legali
validity of, and approve and confirm, each
of the proceedings for the organization of s
trict under the provisions of the said act
and including the petition for the organiza
the district, and all other proceedings whi
affect the legality or validity of said bon
the order for the sale, and the sale thereo
court, in inquiring into the regularity, lega
correctness of said proceedings, must di
any error, irregularity, or omission which d
affect the substantial rights of the parties
special proceeding; and it may approve a
firm such proceedings in part, and disappro
declare illegal or invalid other and subs
parts of the proceedings. The court shall fi
determine whether the notice of the filing
petition has been duly given and publish
the time and in the manner in this act pre
The cost of the special proceedings may be
and apportioned between all the parties,
discretion of the court.

Appeal, when must be taken.

Sec. 6. An appeal from an order granting
fusing a new trial, or from the judgment, m
taken by the party aggrieved within te
after the entry of said order or said judgm

Sec. 7. This act shall take effect and be i
from and after its passage.

An act supplemental to an act entitled "An
provide for the organization and governm
irrigation districts, and to provide for
quisition of water and other property,
the distribution of water thereby for irr
purposes," approved March 7, 1887, pr
for reducing the bonded indebtedness t

[Approved March 23, 1893; Stats. 1893, p.

Section 1. Whenever the board of direc
an irrigation district organized under and

ons of an act entitled "An act to ganization and government of ir- and to provide for the acquisi- other property, and for the dis- r thereby for irrigation pur- March seventh, eighteen hun- seven, shall determine that the indebtedness of such irrigation than such district is liable to its system as planned, and there g bonds, the board of directors election for the purpose of vot- sition to reduce such bonded in- h sum as the board may deter- ient for such purpose.

ection shall be held in the same elections held under the provis- A notice of the said election shall ame manner as provided in sec- d act, in relation to calling spe- issuance of bonds. The notice state the amount of the author- tedness of such district, and the t is proposed to reduce the same; which said election will be held places, as established by said s. The ballots cast at said elec- the words "For reducing bonds— ucing bonds—No."

he vote is canvassed by the s and entered of record, if a ma- tes cast shall be "For reducing n in that event the board of di- y be empowered to issue or sell bonds as was stipulated in the ch special election; but if a ma- es are not "For reducing bonds— uthority to issue bonds shall re- s before said special election was

there be outstanding bonds of ing to take advantage of the pro- t, the assent of such bondholders to such reduction of the bonded the same manner as provided in act supplemental to said act, en- nendatory of and supplemental to

an act entitled 'An act to provide for the o
tion and government of irrigation districts
provide for the acquisition of water and
property, and for the distribution thereby
gation purposes,' approved March seventh
teen hundred and eighty-seven, providing
exclusion of certain lands within any su
trict," approved February sixteenth, eighte
dred and eighty-nine. If such assent is o
in the manner therein provided, then, and
event, such district shall be empowered to
vantage of all the provisions of this act,
otherwise.

Sec. 5. No reduction of the bonded in
ness, as in this act provided, shall in any
affect any order of court that may hav
made, adjudicating and confirming the val
said bonds.

Sec. 6. This act shall take effect immed

An act to provide for the issue and sale
change of funding bonds of irrigation
organized under and in pursuance of
of the legislature of the state of Califo
titled "An act to provide for the orga
and government of irrigation districts,
provide for the acquisition of water a
property, and for the distribution o
thereby for irrigation purposes," a
March 7, 1887, to provide for the pay
such bonds, and for proceedings to test
lidity of the same.

[Approved April 1, 1897; Stats. 1897, p.

The People of the State of California, repr
in Senate and Assembly, do enact as fo

Section 1. Whenever an irrigation dist
ganized under the provisions of an act
"An act to provide for the organization a
ernment of irrigation districts, and to pro
the acquisition of water and other proper
for the distribution of water thereby fo
tion purposes," approved March seventh,
hundred and eighty-seven, or said act and
supplementary thereto, or amendatory ther
outstanding bonds, coupons, or other evid
indebtedness, the payment thereof may

issuance of new bonds, in the
r prescribed.
ity in number of the holders of
of title to real property in any
subject to assessment, such
evidences of title, representing
ıe of the real property of such
to the equalized assessment roll
strict for the year last preced-
the funding of such bonds, cou-
dences of indebtedness. Said
ent roll or rolls shall be suffi-
itle for the purposes of this act.
to propose the funding of such
other evidences of indebtedness,
presented to the board of direc-
ion district, signed by a major-
olders of title, or evidences of ti-
in such district, and represent-
alue of the real property of said
o assessment for district pur-
ion shall set forth the amount
or other evidences of indebted-
e funded, together with a gen-
same, also the total amount of
o be issued (provided, that said
o case be greater than the total
coupons, and other evidences of
outstanding and sought to have
with a full and complete state-
ses for which such bonds are to
sentation of such petition, the
red in full on the minutes of the

ately after the recording of said
shall call a special election, at
bmitted to the electors of such
on, whether or not the bonds of
e amount set forth in said peti-
d. Notice of such election must
g notices in three public places
ecinct in said district for at least
also by publication of such no-
paper published in the county
the board of directors of such
to be kept, once a week for at
ive weeks before such election.
specify the time of holding the

election, the amount of bonds proposed to
sued, the purposes for which they are to be
together with a general description of the
eduess sought to be funded, except as here
erwise provided. Said election shall be h
the result thereof determined and declare
respects as nearly as practicable in con
with the provisions governing the election
cers as provided by the law governing in
districts at the time of the holding of the
herein provided for; provided, that no ini
ties in conducting such an election shall in
the same, if the election shall have been ot
fairly conducted. At such election, the
shall contain the words "Bonds—Yes," or
—No," or words equivalent thereto. If tw
of the votes cast are "Bonds—Yes," the b
directors shall cause bonds in said amoun
issued. If more than one-third of the vo
at such election are "Bonds—No," the re
such election shall be so declared. The r
either case shall be duly entered of record

Sec. 5. The board of directors shall with
ty days after the issue of any bonds her
vided for bring an action in the superior
the county wherein is located the office
board, to determine the validity of any such
Such action shall be in the nature of a pro
in rem, and jurisdiction of all parties in
may be had by publication of su
for at least once a week for three
in some paper of general circulatio
lished in the county where the ac
pending, such paper to be designat
the court having jurisdiction of the proc
Jurisdiction shall be complete within thir
after the full publication of such summon
manner herein provided. Any one interest
at any time before the expiration of sai
days, appear and by proper proceedings
the validity of such bonds, and may in th
action or proceeding contest the validity
bonds, coupons, or other evidences of in
ness referred to in the petition for fund
proposed to be funded, and if any such
coupons, or evidences of indebtedness be
to be invalid, then the same shall only be
for the amount of such proportion ther

nd reasonable value of whatever
have received in consideration
r with unpaid interest thereon,
of such proportion shall be deter-
icated by the court in said action
uch action shall be speedily tried
ndered declaring such bonds so
valid or invalid. Either party
ght to appeal at any time within
the entry of such judgment,
st be heard and determined with-
from the time of taking such ap-

such proceeding shall have been
rd of directors, then at any time
and within ninety days after the
ds under the provisions of this
assessment-payer may bring an
erior court of the county wherein
oard of directors is located, to de-
ty of any such bonds. The board
be made parties defendant, and
ons shall be made on the mem-
personally, if they can be found
If not, then by publication for
ome newspaper of general circu-
county wherein the office of the
is located, such newspaper to be
e court having jurisdiction. Be-
tion can be had, an affidavit, in
hall be made, showing such facts,
have the right to appear and con-
Notice of said action shall be
tion of summons therein in the
d for the same time as required
section hereof in actions brought
d at any time within thirty days
olication of such summons in the
ovided. Any district assessment
interested may appear and de-
and thereafter the same proceed-
in such action as are hereinbe-
in the preceding section hereof
t by the board of directors, and
determined and adjudicated by
. Such action shall be speedily
right of appeal to either party.

The notice shall state that sealed proposals will be received by the board at its office for the purchase of bonds till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of bonds to the highest responsible bidder, or may reject all bids; but said bonds shall in no event be sold for less than their par value, including accrued interest. All moneys realized from the sale of bonds issued under the provisions of this act shall be paid into the hands of the district treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing the said petition, and described therein.

Sec. 15. At the time fixed for the levying of assessments for other purposes authorized by the district irrigation law then in force, there shall be levied an assessment sufficient in amount to pay the principal and interest then due and unpaid on any bonds issued by authority of this act, and also the amount to become due on any such bonds during the year following such levy. The assessment so levied shall be computed and entered in the assessment roll in the same manner, and shall be collected at the same time and in the same manner as other assessments authorized by the district irrigation law then in force, and when collected shall be paid into the district treasury, for the purposes herein authorized; and all the provisions of said district irrigation law relating to the collection of assessments and the sale and redemption of property therefor shall be applicable to the assessments levied under this act.

Sec. 16. The bonds issued as herein provided for may be exchanged, at not less than their par value, including accrued interest, for any of the indebtedness set out and described in the petition upon which such funding bonds were issued. A contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; provided, that they must always receive not less than par and accrued interest for any bonds so exchanged; and provided

s shall be so exchanged except
the judgment of the superior
hereinbefore provided for, or
dgment shall have been entered

er there remains in the hands
any district any funding bonds
by said district, but not used,
to be used for the funding pur-
described in the petition for the
onds, then said board of direc-
egular meeting, within three
ompletion of the funding, cause
troyed and a record to be made
tal amount of bonds so destroy-
hall be deducted from the sum
sued by the electors of said dis-
thereof shall be thereafter re-
d.
nds issued under the provisions
a lien upon the property of the

t shall take effect from and

tal to an act entitled "An act
he organization and government
stricts, and to provide for the
water and other property, and
ution of water thereby for irri-
," approved March 7, 1887, pro-
destruction of all or any part
any irrigation district remain-
r the completion of their irriga-

n 26, 1895; Stats. 1895, p. 127.]

State of California, represented
Assembly, do enact as follows:

enever there remains in the
d of directors of any irrigation
under the provisions of "An act
e organization and government
cts, and to provide for the ac-
and other property, and for the
ter thereby for irrigation pur-
arch seventh, eighteen hundred

and eighty-seven, after the completion
ditch system, and the payment of all
against such district, any bonds voted to b
by said district but not sold, and not n
to be sold for raising funds for the use
district, the board of directors may call
election for the purpose of voting upon a
tion to destroy said unsold bonds or so
them as they may deem best, or may subm
proposition at any general election.

Sec. 2. Such election shall be held in t
manner as other elections held under the
ions of said act. A notice of such electi
be given in the same manner as provided
tion fifteen of said act in relation to calling
elections for issuance of bonds. The notice
tion must state the amount of the authoriz
ed indebtedness of such district authorized
vote of the district, the amount of the b
maining unsold, and the amount propose
destroyed, and the date on which such el
proposed to be held; and the polling places
by said board of directors. The ballots to
at such election shall contain the words
stroying bonds—Yes," and "For destroyin
—No," and the voter must erase the wo
in case he favors the destruction of the bo
erwise the word "Yes."

Sec. 3. When the vote is canvassed
board of directors and entered of record,
jority of the votes cast should be found
favor of the destruction of such bonds, t
president of the board in the presence of
ity of the members of the board, must
the bonds so voted to be destroyed; and t
amount of bonds so destroyed and cancel
be deducted from the sum authorized to b
by the electors of said district, and no pa
of shall thereafter be reprinted or reissue

Sec. 4. In case any bonds of any irrigat
trict, remaining unsold after the completio
irrigation system, shall have been destr
pursuance of a vote of a majority of the v
such district, at an election held substant
accordance with the provisions of this
prior to its passage, the action of such di
so destroying such bonds is hereby ratif
confirmed.

act shall take effect and be in force its passage.

ide for the redemption of property been heretofore sold to irrigation r delinquent assessments.

[arch 10, 1891; Stats. 1891, p. 53.]

all cases where property has here- d for delinquent assessments, un- ons of the act of March seventh, ed and eighty-seven, providing for n of irrigation districts, and an irri- has become the purchaser, and has the same, the person whose estate or his heirs, executors, administra- successors in interest, may redeem y paying to the treasurer of the dis- ne property is situated the amount due thereon at the time of the sale, hereon at the rate of two per cent l also all assessments that were a property at the time said assess- delinquent; and also for each year or which assessments on said prop- been paid, an amount equal to the ssessments for that year, upon the eal estate assessed for the year of interest from the first day of Jan- of said years, respectively, at the also all costs and expenses, and enalty, which may have accrued by delinquency and sale, and the costs of redemption, as herein specified. directors of any district shall, on of any person desiring to redeem visions of this act, make an esti- nount to be paid, and shall, by a red on their minutes, authorize the e district, on the receipt of the ined by them, to give him triplicate the amount, specifying the several f, one of which certificates shall be secretary of the district, one with order of the county in which the , and one with the treasurer of the

district, to whom payment of money s
made, on the issuance of said certificates
county recorder shall be paid by the redem
for filing and recording said certificate, t
of two dollars, and upon the filing of such
with the recorder any deed or certificate
that may have been made to the district s
come null and void, and all right, title, an
est acquired by the district under and by v
the assessment sale shall cease and det
The receipt of the treasurer of the distri
in provided for shall be recorded in the re
office of the county in which said propert
uated, in the book of deeds, and the record
shall have the same effect as that of a dee
conveyance of the interest conveyed by sa
or certificate of sale.

Sec. 2. This act shall take effect imme

An act to provide for the organization a
ernment of irrigation districts, and to
for the acquisition or construction the
works for the irrigation of the lands en
within such districts, and, also, to pro
the distribution of water for irrigati
poses.

[Approved March 31, 1897; Stats. 1897,

The People of the State of California, rep
in Senate and Assembly, do enact as fo

ORGANIZATION.

Section 1. A majority in number of the
of title, or evidence of title, to lands susce
irrigation from a common source and by t
system of works, such holders of title, or
of title, representing a majority in value
lands, according to the equalized county
ment roll or rolls for the year last precedi
propose the organization of an irrigation
under the provisions of this act. Said e
assessment roll or rolls shall be sufficient
of title for the purposes of this act.

Sec. 2. In order to propose the organiz
an irrigation district, a petition shall be p

upervisors of the county in which
the proposed district, or the
thereof, are situated, signed by
nber of holders of title, or evi-
lands within such proposed dis-
enting the requisite majority in
ls, which petition shall set forth
the proposed district, and shall
he source from which said lands
e irrigated, and the character of
ed to be acquired or constructed
rposes, and shall pray that the
ed within the boundaries of the
may be organized as an irriga-
r the provisions of this act. The
accompanied with a good and
king, to be approved by said
ors, in double the amount of the
organizing such district, condi-
reties shall pay all of said costs,
ization shall not be effected. Said
presented at a regular meeting
d shall be published for at least
the time at which the same is
n some newspaper of general cir-
nd published in the county where
resented, together with a notice
f the meeting at which the same
; and if any portion of the lands
osed district lie within another
es, then said petition and notice
d, as above provided, in a news-
n each of said counties. When
presented, said board of super-
the same, and may adjourn such
ne to time, not exceeding four
d on the final hearing said board
changes in the proposed bounda-
emed advisable, and shall define
ch boundaries. But said board
y said boundaries so as to
such proposed district any
is susceptible of irrigation
n source and by the same
applicable to the other lands
district; nor shall any lands
the judgment of said board, be

benefited by irrigation, by means of said
of works, be included within such propo
trict. Any person whose lands are sus
of irrigation from the same source and
of works, may, upon his application, in
cretion of said board, have such lands
within said proposed district.

Sec. 3. Upon such hearing of said peti
board of supervisors shall determine wh
not said petition complies with the requi
of sections one and two of this act, and
purpose must hear all competent and relev
timony offered in support or in opposition
Such determination shall be entered up
minutes of said board of supervisors.

Sec. 4. The right of appeal from said
the superior court of the county where s
tion is heard is hereby given to any perso
ested who is a party to the record; provid
if more than one appeal be taken they
consolidated and tried together. Such app
be taken within ten days after the entry
order upon the minutes of the board of s
ors. The appeal shall be taken and hear
same manner as appeals from justices' c
the superior court, except as herein otherw
vided. Upon the appeal, the superior co
make and enter its judgment affirming, mo
or reversing the order appealed from. Wi
days thereafter the superior court must c
remittitur to issue to said board of sup
and if said order of the board of superv
modified or reversed, the judgment of the
court and its remittitur shall direct the
supervisors what order it shall enter. Suc
titur shall be filed by the clerk of the boa
pervisors, and at the first regular meetin
board thereafter, it shall cause to be enter
minutes the order as directed by said
court. The appeal herein provided for
heard and determined within thirty days f
time of filing the notice of appeal.

Sec. 5. If, on said final hearing, the bo
of the proposed district are defined and e
ed, said board shall make an order divid
district into five divisions, as nearly equa
as may be practicable, which shall be nu
first, second, third, fourth, and fifth, and

elected for each division by the elec-
rovided, that if so requested in said
oard may order that there shall be
sions in said district, and that only
be elected, or that they be elected
t at large.

ION ON ORGANIZATION.

board of supervisors shall then give
ection to be held in such proposed
purpose of determining whether or
hall be organized under the provis-
ct. Such notice shall describe the
established, and shall designate a
proposed district, and said notice
shed for at least three weeks pre-
election, in a newspaper published
nty in which the petition for the
the proposed district was present-
portion of such proposed district is
county or counties, then such no-
blished for the same length of time
r published in each of said coun-
ce shall require the electors to cast
shall contain the words "Irrigation
or "Irrigation District—No," or
nt thereto, and also the names of
voted for at said election. For the
d election the board of supervisors
a convenient number of election
id proposed district, and define the
the same. Such election shall be
early as practicable in accordance
al election laws of the state, but
orm of ballot shall be required.
ch election there shall be elected
ectors, and an assessor, tax collec-
er; provided, that where a consoli-
rs as hereinafter provided for is
ble in the organization of a district,
may request in their petition for
ch consolidation, and the board of
ling the election shall in its order
nce such consolidation, and then
shall be elected to fill the several
lidated.

Sec. 8. No person shall be entitled to
any election held under the provisions of
unless he possesses all the qualifications
of electors under the general election law
state.

Sec. 9. The board of supervisors shall
the second Monday succeeding such elect
shall proceed to canvass the votes cast
and if upon such canvass it appears that
two-thirds of all the votes cast are "Irriga
trict—Yes," said board shall, by an order
on its minutes, declare the territory dul
ized as an irrigation district, under the nar
tofore designated, and shall declare the
receiving respectively the highest number
at said election to be duly elected.

Sec. 10. Said board shall then cause a
such order, duly certified, to be immediat
for record in the office of the county rec
any county in which any portion of the la
braced in such district are situated, and n
immediately forward a copy thereof to the
the board of supervisors of each of said
tioned counties, and no board of supervisor
county in which any portion of the la
braced in such district are situated shall,
date of the organization thereof, allow anc
trict to be formed including any portion
lands, without the consent of the board
tors of the district in which they are
From and after such filing, the organiz
such district shall be complete.

Sec. 11. Such election, on organization,
contested by any person owning propert
the proposed district liable to assessmen
directors elected at such election shall
parties defendant. Such contest shall be
in the superior court of the county wher
tition for organization is filed; provided
more than one contest be pending they
consolidated and tried together. The co
ing jurisdiction shall speedily try such con
determine, upon the hearing, whether the
was fairly conducted and in substantial
ance with the requirements of this act,
ter its judgment accordingly. Such cont
be brought within twenty days after the
the vote and declaration of the resu

ors. The right of appeal is here-
r party to the record within thir-
y of judgment. The appeal must
termined by the supreme court
s from the time of filing the no-

ficers elected at the election here-
for shall immediately enter up-
is such, upon qualifying in the
officers herein provided. Said of-
office respectively until their suc-
ed and qualified.

rs of boards of directors.

directors of any district created
of this act, on the first Tuesday
n, after they shall have qualified,
assify themselves by lot into two
y equal in number as possible,
ffice of the class having the great-
expire at the next general Febru-
is act provided for; and the term
class having the lesser number
t the next general February elec-
After such classification, said di-
anize as a board, shall elect a
eir number, and appoint a secre-
ch hold office during the pleasure
e salary of the secretary and the
ond to be given by him for the
ance of his duties shall be fixed
directors.
oard of directors shall hold a reg-
eting, in their office, on the first
y month, and such special meet-
equired for the proper transaction
vided, that all special meetings
by a majority of the board. The
ntered of record, and five days'
ist, by the secretary, be given to
joining in the order. The order
business to be transacted, and
that specified must be transacted
eeting. All meetings of the board
and three members shall consti-
for the transaction of business;
er, that when the board consists

of three members only, then in such case
constitute a quorum for the transactio
ness, but on all questions requiring a
shall be a concurrence of at least the nu
stituting a quorum. All records of the b
be open to public inspection during busin
The board of directors shall, on the firs
in January of each and every year re
immediately thereafter cause to be pu
verified statement of the financial condit
district, showing particularly the receipt
bursements of the last preceding year,
with the source of such receipts and p
such disbursements. Said publication
made at least once a week for two week
paper published in the county where th
the board of directors of such district is

Sec. 15. The board shall have the pow
shall be their duty, to manage and co
business and affairs of the district; make
cute all necessary contracts; employ an
such agents, officers, and employees as n
quired, and prescribe their duties. The
its agents and employees shall have th
enter upon any land to make surveys, an
cate the necessary irrigation works and
for any canal or canals, and the necessar
es for the same, on any lands which may
ed best for such location. Said board
have the right to acquire, either by pu
condemnation, or other legal means, all
waters, and water rights, and other pro
essary for the construction, use, supply,
ance, repair, and improvements of said
canals, and works, including canals a
constructed and being constructed by pri
ers, lands for reservoirs for the storage o
waters, and all necessary appurtenances
purchase of any waters, or water rights,
or reservoirs, or reservoir sites, or irrigati
or other real property of any nature or
any price in excess of ten thousand dol
be final or binding on the district, nor
purchase price thereof be paid until a pe
majority of the holders of title, or evide
tle, to lands within the district, such hol
tle, or evidence of title, representing a
in value of said land, according to the l

ll of the district, shall have been
ard and an order of the board
nfirming such purchase. Said
nstruct the necessary dams, res-
s for the collection of water for
do any and every lawful act
ne, that sufficient water may be
land owner in said district for
. The said board is hereby au-
owered to take conveyances or
for all property acquired by it
ns of this act, in the name of
strict, to and for the uses and
xpressed, and to institute and
all actions and proceedings,
equity, necessary or proper in
out the provisions of this act,
ntain, protect, or preserve any
vileges, and immunities created
ired in pursuance thereof. And
ons, suits, or proceedings, the
e, appear, and defend in person
nd in the name of such irriga-
hall be the duty of said board
ble by-laws, rules, and regula-
bution and use of water among
l lands, which must be printed
m for distribution in the dis-
shall have power generally
h acts as shall be necessary to
e purposes of this act.
of condemnation proceedings
oceed, in the name of the dis-
rovisions of title seven, part
of Civil Procedure.

e of all water required for the
nds of any district formed un-
of this act, or the act of which
tary or amendatory, together
way for canals and ditches,
s, and all other property re-
rying out the provisions of this
ared to be a public use, subject
0.

to the regulation and control of the sta
manner prescribed by law.

Sec. 18. It is hereby expressly provide
waters distributed for irrigation purpose
apportioned ratably to each land owner
basis of the ratio which the last asse
such owner for district purposes within
trict bears to the whole sum assessed
district; provided, that any land owner m
the right to the whole or any portion of t
so apportioned to him.

GENERAL ELECTIONS.

Sec. 19. An election shall be held in
gation district on the first Wednesday
ary, eighteen hundred and ninety-nine
the first Wednesday in February in ea
year thereafter, at which an assessor, a
and a treasurer, and directors for the dis
be elected. The person receiving the hig
ber of votes for any office to be filled
election shall be elected thereto. The
collector, and treasurer shall each hold o
the first Tuesday in March next after
years, and until his successor is elected
fied. Within ten days after receiving th
icates of election, hereinafter provided
officers shall take and subscribe the offi
and file the same in the office of the boar
tors, and execute the bond hereinafter
for. The assessor shall execute an officia
the sum of five thousand dollars, and t
tor an official bond in the sum of twe
sand dollars, and the district treasurer
bond in the sum of fifty thousand dollar
said bonds to be approved by the board
tors; provided, that the board of director
it shall be deemed advisable, fix the bo
treasurer and collector, respectively, to
conditions of the district, the maximu
of the treasurer's bond not to exceed f
sand dollars, and the minimum amount t
to be less than ten thousand dollars; and
imum amount of the collector's bond not
twenty thousand dollars, and the
amount thereof not to be less than five
dollars. Each member of said board of

official bond in the sum of five which said bonds shall be ap- lge of the superior court of said h organization was effected, and in the office of the county record- lled with the secretary of said l bonds herein provided for shall rescribed by law for the official officers.

e first Tuesday in March next lection, the directors who shall l at the general February elec- nd organize as a board, elect a oint a secretary, who shall each the pleasure of the board. And stricts now organized, who shall l at the general February elec- undred and ninety-nine, shall, on in March next thereafter, when nize, first classify themselves by es as nearly equal in number as e term of office of the class hav- umber shall be two years; and e of the lesser number shall be full term of office of directors is our years.

n days before any election held ubsequent to the organization of ecretary of the board of directors s to be posted in three public ection precinct, of the time and the election, and shall also post of the same in the office of said all be established and kept at to be determined by said board, polling places of each precinct. for posting the notices, the board each precinct, from the electors ector and two judges, who shall d of election for such precinct. o appoint a board of election, or ointed do not attend at the open- on the morning of election, the ecinct present at that hour may l, or supply the place of an ab- eof. The board of directors must, nting the board of election, des-

ignate the house or place within the
where the election must be held.

Sec. 22. The inspector is chairman of
tion board, and may administer all oaths
in the progress of an election; and appoi
and clerks, if, during the progress of the
any judge or clerk cease to act. Any m
the board of election, or any clerk ther
administer and certify oaths required t
ministered during the progress of an elect
board of election for each precinct mus
opening the polls, appoint two persons
clerks of the election. Before opening
each member of the board and each cl
take and subscribe an oath to faithfully
the duties imposed upon them by law.
tor of the precinct may administer an
such oath. The polls must be opened
after sunrise on the morning of the elec
be kept open until sunset, when the sa
be closed. The provisions of the genera
laws concerning the form of ballots to
shall not apply to elections held under t

Sec. 23. Voting may commence as so
polls are opened, and may be continue
all the time the polls remain opened, and
conducted, as nearly as practicable, in a
with the provisions of the general electio
this state. As soon as all the votes are
a certificate shall be drawn up on eac
papers containing the poll list and talli
tached thereto, stating the number of v
one voted for has received, and design
office to fill which he was voted for, wh
ber shall be written in figures and in
full length. Each certificate shall be s
the clerk, judge, and the inspector. On
certificates, with the poll list and the ta
to which it is attached, shall be retaine
inspector, and preserved by him at
months. The ballots shall be strung up
or thread by the inspector, during the
thereof, in the order in which they ar
upon the tally list by the clerks; and sa
together with the other of said certifics
the poll list and tally paper to which it
ed, shall be sealed by the inspector in
ence of the judges and clerks, and indors

of (naming the precinct) Precinct," to the secretary of the board of di- all be immediately delivered by the y some other safe and responsible ted by said inspector, to said secre- allots shall be kept unopened for at ns, and if any person be of the opin- te of any precinct has not been cor- he may appear on the day appoint- rd of directors to open and canvass nd demand a recount of the vote of nat is so claimed to have been in- ted.

list, tally paper, or certificate re- y election, shall be set aside or re- t of form, if it can be satisfactorily he board of directors must meet at of meeting on the first Monday af- n to canvass the returns. If, at the ng, the returns from each precinct n which the polls were opened have the board of directors must then eed to canvass the returns; but if have not been received, the canvass oned from day to day until all the een received, or until six postpone- en had. The canvass must be made y opening the returns and estimat- the district for each person voted ing the result thereof.

secretary of the board of direc- oon as the result is declared, enter of such board a statement of such tatement must show: (a) The whole es cast in the district, and in each district; (b) the names of the per- (c) the office to fill which each per- for; (d) the number of votes given ct to each of such persons; (e) the tes given in each division for the or, and the number of votes given for the offices of assessor, collec- rer. The board of directors must l the persons having the highest es given for each office. The secre- nediately make out and deliver to certificate of election, signed by nticated with the seal of the board.

In case of a vacancy in the office of
collector, or treasurer, the vacancy shall
by appointment of the board of directo
vided, that if said board of directors shal
or refuse to make such appointment
period of forty days, then the board of su
of the county wherein the office of said
directors is situated shall make such appo
In case of a vacancy in the office of dire
vacancy shall be filled by appointment
board of supervisors of the county wher
fice of such board of directors is situated,
division in which the vacancy occurrred.
cer appointed as above provided shall hol
fice until the next regular election for
trict, and until his successor is elected a
fied.

Sec. 26. A director shall be a resident
holder of the irrigation district, but not
ily of the division for which he is elected

Sec. 27. The board of directors may, i
cretion, consolidate any two or more of t
of assessor, collector, and treasurer. The
consolidation must be made at least thi
prior to general election of the district,
take effect at the next succeeding elect
vided, that the board of directors may,
thirty days before a general election or
trict, where the offices have been consolida
regate the same, each office to be filled
election.

Sec. 28. In any district the board of
thereof may, upon the presentation of a
therefor, by a majority of the holders o
evidence of title, of said district, evid
above provided, order that on and after
ensuing general election for the district, t
be either three or five directors, as said b
order, and they shall be elected by the d
large, or by divisions, as so petitioned a
ed; and after such order such directors
so elected.

TITLE TO PROPERTY.

Sec. 29. The legal title to all property
under the provisions of this act shall in
ly and by operation of law vest in such

ll be held by such district in trust
y dedicated and set apart to the
es set forth in this act. And said
authorized and empowered to
re, manage, occupy, and possess
herein provided.

UANCE OF BONDS.

he purpose of constructing neces-
canals and works, and acquiring
roperty and rights therefor, and
ying out the provisions of
board of directors of any
ust, as soon after such district
nized as may be practicable,
never thereafter the construc-
been exhausted by expendi-
thorized therefrom and it is nec-
additional money for said pur-
and determine the amount of
y to be raised. And thereafter
n petitioned by a majority of the
or evidence of title, to lands with-
uch holders of title, or evidence of
ng a majority in value of said
to the equalized assessment roll
such has theretofore been made,
not been made, then according to
unty assessment roll covering the
trict, shall immediately call a spe-
which shall be submitted to the
district, possessing the qualifica-
by this act, the question wheth-
nds of said district in the amount
said petition shall be issued. No-
tion must be given by posting no-
ublic places in each election pre-
rict for at least twenty days, and
ion of such notice in some news-
in the county where the office of
ectors of such district is required
a week for at least three succes-
ch notices must specify the time
lection, the amount of bonds pro-
ed; and said election must be held
ereof determined and declared in
early as practicable in conformity

with the provisions of this act governing t
tion of officers; provided, that no informa
conducting such an election shall invalid
same, if the election shall have been ot
fairly conducted. At such election the
shall contain the words "Bonds—Yes," or
—No," or words equivalent thereto. If a
ity of the votes cast are "Bonds—Yes," th
of directors shall cause bonds in said amou
issued; if a majority of the votes cast at a
election are "Bonds—No," the result of su
tion shall be so declared and entered of
Whenever thereafter a petition of the cl
hereinbefore provided for in this section
sented to the board it shall so declare o
in its minutes, and shall thereupon subn
questions to said electors in the same man
with like effect as at such previous elect

Sec. 31. All bonds issued under the pr
of this act shall be payable in gold coi
United States, in ten series, as follows, to-
the expiration of twenty-one years, five
of the whole number of said bonds; at the
tion of twenty-two years, six per cent; at
piration of twenty-three years, seven per
the expiration of twenty-four years, eig
cent; at the expiration of twenty-five yea
per cent; at the expiration of twenty-si
ten per cent; at the expiration of twen
years, eleven per cent; at the expiration of
eight years, thirteen per cent; at the expir
twenty-nine years, fifteen per cent; and
expiration of thirty years, sixteen per ce
the several enumerated percentages being
entire amount of the bond issue, but ea
must be made payable at a given time fo
tire amount and not for a percentage. Sai
shall bear interest at the rate of five per
annum, payable semi-annually, on the firs
January and July of each year. The princ
interest shall be payable at the place des
therein. Said bonds shall be each of the d
ation of not less than one hundred doll
more than five hundred dollars; shall be
ble in form, signed by the president and se
and the seal of the board of directors shal
fixed thereto. Each issue shall be numbe
secutively as issued, and the bonds of eac

ed consecutively, and bear date at
r issue. Coupons for the interest
d to each bond, signed by the sec-
onds shall express on their face
issued by authority of this act,
and date of approval, and shall
number of the issue of which such
t. The secretary shall keep a re-
ds sold, their number, the date of
eceived, and the name of the pur-

board may sell said bonds from
such quantities as may be neces-
advantageous, to raise money for
of said canals and works, the
id property and rights, and other-
rry out the objects and purposes
efore making any sale the board
ing, by resolution, declare its in-
a specified amount of the bonds,
hour and place of such sale, and
resolution to be entered in the
otice of the sale to be given, by
eof at least three weeks, in some
olished in the county where the
rd of directors is located, and in
paper, at its discretion. The no-
that sealed proposals will be re-
oard at their office, for the pur-
till the day and hour named in
At the time appointed the board
roposals, and award the purchase
o the highest responsible bidder;
er, that they may reject all bids.
in no event sell any of the said
han the par value thereof.
bonds, and the interest thereon,
revenue derived from an annual
the real property of the district;
property in the district shall be
ble to be assessed for such pay-
nafter provided.

FOR COMPLETION OF WORKS.

se the money raised by the sale
be insufficient or in case the bonds
for the completion of the plan of
adopted, and additional bonds be

not voted, it shall be the duty of the boa
rectors to provide for the completion of s
by levy of assessments therefor; provide
ever, that such levy of assessments shal
made except first an estimate of the am
quired for such purposes has been made
board, and the question as to the making
levy submitted to a vote of the electors
district. Before such question is submi
order of submission shall be entered in t
utes of the board, stating the amount to b
and the purpose therefor, and if submitt
special election said order shall, in addi
the day of election. Notice of such electi
be given by posting notices in three publi
in each election precinct in said district
least twenty days, and also by publication
notice in some newspaper published in t
ty where the office of the board of dire
such district is required to be kept, once
for at least three successive weeks. Such
must specify the time of holding the elect
the amount of assessment proposed to b
Said election must be held and the result
determined and declared in all respects a
as practicable in conformity with the pr
of this act governing the election of offic
vided, that no informalities in conducti
an election shall invalidate the same, if
tion shall have been otherwise fairly co
At such election the ballots shall contain th
"Assessment—Yes," or "Assessment—N
words equivalent thereto. If a majority
votes cast are "Assessment—Yes," the boa
rectors shall cause an assessment in the
named in the order of submission to be l
a majority of the votes cast are "Asse
No," the result of such election shall b
clared and entered of record.

DUTIES OF THE ASSESSOR.

Sec. 35. The assessor must, between
Monday in March and the first Monday in
each year, assess all real property in the
to the persons who own, claim, have the
sion, or control thereof, at its full cash va
must prepare an assessment book, with s
ate headings, in which must be listed

the district, in which must be
arate columns, under the appro-
the name of the person to whom
ssessed. If the name is not known
the property shall be assessed to
rs"; (b) land by township, range,
onal section, and when such land
sional division or subdivision, by
ds, or other description sufficient
ving an estimate of the number of
nd the improvements thereon; (c)
ots, naming the city or town, and
block, according to the system
such city or town, and the im-
eon; (d) the cash value of real es-
city or town lots; (e) the cash
ements on such real estate; (f) the
ity and town lots; (g) the cash
ements on city and town lots; (h)
f improvements on real estate as-
ns other than the owners of the
he total value of all property as-
total value of all property after
the board of directors; (k) such
he board of directors may require.
which may have escaped the pay-
essment for any year, shall, in ad-
essment for the then current year,
such year with the same effect
me penalties as are provided for
ar.

board of directors must allow the
ny deputies, to be appointed by
the judgment of the board, enable
e the assessment within the time
ed. The board must fix the com-
ch deputies, which shall be paid
ary of the district. The compensa-
xceed five dollars per day for each
time actually engaged, nor must
e made but for work done between
y in March and the first Monday
ch year.

or before the first Monday in Au-
ar, the assessor must complete his
k, and deliver it to the secretary of
o must immediately give notice
the time the board of directors,

acting as a board of equalization, will
equalize assessments, by publication in
paper published in each of the counties
ing the district. The time fixed for the
shall not be less than twenty nor more th
ty days from the first publication of the
and in the meantime the assessment bo
remain in the office of the secretary for
spection of all persons interested.

EQUALIZATION OF ASSESSMEN

Sec. 38. Upon the day specified in th
required by the preceding section for th
ing, the board of directors, which is here
stituted a board of equalization for that
shall meet and continue in session from
time, as long as may be necessary, not to
ten days, exclusive of Sundays, to hear
termine such objections to the valuation
sessment as may come before them; and th
may change the valuation as may be ju
secretary of the board shall be present du
sessions, and note all changes made in t
ation of property, and in the names of
sons whose property is assessed; and wi
days after the close of the session he sh
the total values, as finally equalized by th
extended into columns and added.

LEVY OF AND COLLECTION OF TA

Sec. 39. The board of directors shall th
an assessment sufficient to raise the an
terest on the outstanding bonds, and in a
in which any bonds shall fall due must
said assessment to an amount sufficient
a sum sufficient to pay the principal of
standing bonds as they mature. The secr
the board must compute and enter in a
column of the assessment book the re
sums, in dollars and cents, to be paid a
sessment on the property therein enu
When collected, the assessment shall be p
the district treasury and be apportioned
several proper funds.

In case of the neglect or refusal of the
directors to cause such assessments and
be made as in this act provided, then the

rty made by the county assessor and
rd of equalization shall be adopted,
the basis of assessment for the dis-
board of supervisors of the county
office of the board of directors is sit-
use an assessment roll for said dis-
epared, and shall make the levy re-
s act, in the same manner and with
lf the same had been made by said
ectors, and all expenses incident
be borne by such district. In case
or refusal of the collector or treas-
strict to perform the duties imposed
he tax collector and treasurer of the
ich the office of the board of di-
ated must, respectively, perform
nd shall be accountable therefor
cial bonds as in other cases.
e assessment upon real property is
the property assessed from and af-
londay in March for any year, and
e bonds of any issue shall be a pre-
that for any subsequent issue, and
t removed until the assessments are
operty sold for the payment thereof.
or before the first day of Novem-
ary must deliver the assessment-
collector of the district, who shall
days publish a notice, in a newspa-
in each county in which any por-
trict may lie, that said assessments
ayable, and will become delinquent
. m. on the last Monday of Decem-
after, and that unless paid prior
cent. will be added to the amount
so the time and place at which pay-
sments may be made, which notice
shed for the period of two weeks.
must attend at the time and place
e notice, to receive assessments,
e paid in gold and silver coin; he
e date of payment of any assess-
ssessment-book, opposite the name
paying, and give a receipt to such
ing the amount of the assessment
nt paid, with a description of the
ed. On the last Monday in Decem-

ber, at six o'clock p. m., of each year, a
assessments are delinquent, and thereafte
lector must collect thereon, for the use o
trict, an addition of five per cent.

PUBLICATION OF DELINQUENT N

Sec. 42. On or before the first day of
the collector must publish the delinqu
which must contain the names of the pe
a description of the property delinquent,
amount of the assessments and costs due
each name and description. He must a
and publish with the delinquent list a no
unless the assessments delinquent, toge
costs and percentage, are paid, the real
upon which such assessments are a
be sold at public auction. The pu
must be made once a week for th
cessive weeks, in a newspaper publ
the county in which the property d
is situated; provided, that if any
assessed to the same person or co
shall lie in more than one county, th
publication may be made in any county
any portion of such property may lie. T
cation must designate the time and plac
The time of sale must not be less than tw
nor more than twenty-eight days from
publication, and the place must be at so
designated by the collector, within the
provided, however, that if there should
error in the publication of the sale of
quent property, which might invalidate
made thereunder, and such error is d
prior to sale thereunder the collector
once republish the sale of the property
by such error, making such republication
to the provisions of this law, and the tim
designated in such republication must no
than twenty-one nor more than twenty-e
from the first republication; and the plac
must be at some point designated by the
within the district, and stated in such
tion.

SALE FOR DELINQUENT TAX

Sec. 43. The collector must collect, in

ients due on the delinquent list and
added, fifty cents on each lot, piece,
id separately assessed. On the day
sale, or some subsequent day to
have postponed it, of which he
ice, the collector, between the hours
and three o'clock p. m., must com-
le of the property advertised, com-
ne head of the list and continuing
, or in the numerical order of the
until completed. He may postpone
mencing the sales, or the sale, from
t the sale must be completed within
from the day first fixed; provided,
le or sales shall be stayed by legal
he time of the continuance of such
not part of the time limited for
sale or sales; and provided further,
strict where the validity of any as-
be in litigation at the time this act
ct, the sale of any property, whether
in such litigation or not, may be
a time not to exceed four months.
e owner or person in possession of
e offered for sale for assessments
ay designate, in writing, to the col-
the sale, what portion of the prop-
sold, if less than the whole; but if
ossessor does not, then the collector
it and the person who will take the
of the land, or in case an undivided
essed, then the smallest portion of
nd pay the assessments and costs
two dollars for the duplicate certi-
is the purchaser. If the purchaser
the assessments and costs before
m. the following day, the property
e day must be resold for the assess-
ts. But in case there is no pur-
faith for the same on the first day
rty is offered for sale, then, when
is offered thereafter for sale, and
rchaser in good faith for the same,
unt of the property assessed shall
the irrigation district within which
situated as the purchaser, and the
ficate delivered to the treasurer of

the district, and filed by him in his o
charge shall be made for the duplicate
where the district is the purchaser, and
case, the collector shall make an entry,
the district," and he shall be credited
amount thereof in his settlement. An
district as a purchaser at such sale, sha
titled to the same rights as a private p
and the title so acquired by the district
to the right of redemption herein provide
conveyed by deed, executed and ackn
by the president and secretary of said bo
vided, that authority to so convey mus
ferred by resolution of the board enter
minutes, fixing the price at which such
be made, and such conveyance shall not
for a less sum than the reasonable mar
of such property.

Sec. 45. After receiving the amount
ments and costs, the collector must mak
duplicate a certificate, dated on the day
stating (when known) the name of the p
sessed, a description of the land sold, th
paid therefor, that it was sold for asse
giving the amount and year of the assessm
specifying the time when the purchaser
entitled to a deed. The certificate must
by the collector, and one copy delivered to
chaser, and the other filed in the offic
county recorder of the county in which
is situated.

Sec. 46. The collector, before deliver
certificate, must in a book enter a descr
the land sold, corresponding with the d
in the certificate, the date of the sale, pu
names, and amount paid, regularly nu
description on the margin of the book,
a corresponding number on each certifica
book must be open to public inspection
fee, during office hours, when not in ac
On filing the certificate with such county
the lien of the assessments vests with
chaser, and is only divested by the pa
him, or to the collector for his use, of the
money and two per cent per month from
of sale until redemption.

F PROPERTY SOLD FOR DE-QUENT TAXES.

nption of the property sold may wner, or any party in interest, ıths from the date of purchase; land heretofore sold at delin-der any of the provisions of an ıct to provide for the organiza-nt of irrigation districts, and to cquisition of water and other he distribution of water thereby oses," approved March seventh, and eighty-seven, or the acts reto or amendatory thereof, not been made and delivered, or s been made to the district, and t disposed of the same, may be e within six months from Janu-, eighteen hundred and ninety-n must be made in gold or sil-ded for the collection of state and when made to the collector e amount paid to the person ificate, and pay it, on demand, s assignees. In each report the the board of directors, he must entitled to redemption money, ue each. On receiving the cer-ıe county recorder must file it y in a book similar to that re-ector. On the presentation of person named in the certificate, for his use, of the total amount money, the recorder must mark ıed," the date, and by whom ertificate and on the margin of ıe entry of the certificate is erty is not redeemed within the ed, the collector, or his succes-make to the purchaser, or his f the property, reciting in the the matters contained in the t no person redeemed the prop-me allowed by law for its re-ollector shall receive from the use of the district, two dollars deed.

Sec. 48. The matter recited in the cert
sale must be recited in the deed, and s
duly acknowledged or proved is prima
dence that: (a) The property was assess
quired by law; (b) the property was equ
required by law; (c) that the assessme
levied in accordance with law; (d) the
ments were not paid; (e) at a proper
place the property was sold as prescribe
and by the proper officer; (f) the property
redeemed; (g) the person who executed
was the proper officer.

Such deed duly acknowledged or prov
cept as against actual fraud) conclusive
of the regularity of all the proceedings
assessment by the assessor, inclusive,
execution of the deed. The deed conve
grantee the absolute title to the lands
therein free of all incumbrances, except
land is owned by the United States, or
in which case it is prima facie evidenc
right of possession.

Sec. 49. The assessment book or delinq
or a copy thereof, certified by the collect
ing unpaid assessments against any p
property, is prima facie evidence of the
ment, the property assessed, the delinqu
amount of assessments due and unpaid,
all the forms of the law in relation to t
ment and levy of such assessments h
complied with.

Sec. 50. When land is sold for assessm
rectly imposed, as the property of a parti
son, no misnomer of the owner, or
owner, or other mistake relating to the c
thereof, affects the sale, or renders it void
able.

Sec. 51. On the first Monday in eac
the collector must settle with the secretar
board for all moneys collected for ass
and pay the same over to the treasu
within six days thereafter he must deliv
file in the office of the secretary a statem
oath, showing: (a) An account of all
actions and receipts since his last settle
that all money collected by him as coll
been paid. The collector shall also file

secretary, on said first Monday in
the receipt of the treasurer for the
d.

ON OF BONDS, AND PAYMENT OF INTEREST.

on the presentation of the coupons
easurer, he shall pay the same from
. Whenever said fund shall amount
ten thousand dollars in excess of an
ient to meet the interest coupons
d of directors may direct the treas-
such an amount of said bonds not
ney in said fund will redeem, at the
at which they may be offered for
fter advertising in the manner here-
ded for the sale of bonds, for sealed
the redemption of said bonds. Said
ll be opened by the board in open
time to be named in the notice, and
d for said bonds must be accepted;
no bond shall be redeemed at a rate
n case the bids are equal, the lowest
d shall have the preference. In case
olders of said bonds shall desire to
e redeemed, as herein provided for,
hall be invested by the treasurer, un-
tion of the board, in United States
bonds of the state, which shall be
"bond fund," and may be used to
district bonds whenever the holders
lesire.

STRUCTION OF WORKS.

fter adopting a plan for such canal
age reservoirs, and works, as in this
for, the board of directors shall give
olication thereof not less than twenty
newspaper published in each of the
nposing the district (provided, a
published therein), and in such other
s they may deem advisable, calling
he construction of such work, or of
hereof; if less than the whole work
then the portion so advertised must
y described in such notice. Said no-

tice shall set forth that plans and spec
can be seen at the office of the board, and
board will receive sealed proposals ther
that the contract will be let to the lowes
sible bidder, stating the time and place for
said proposals, which, at the time and
pointed, shall be opened in public; and a
convenient thereafter the board shall
work, either in portions or as a whole, to
est responsible bidder; or they may reje
all bids and readvertise for proposals, or
ceed to construct the work under their ov
intendence. Contracts for the purchase
terial shall be awarded to the lowest re
bidder. Any person or persons to who
tract may be awarded shall enter into
with good and sufficient sureties, to be
by the board, payable to said district fo
for twenty-five per cent of the amoun
contract price, conditioned for the faith
formance of said contract. The work shal
under the direction and to the satisfacti
engineer, and be approved by the board.

Sec. 54. No claim shall be paid by the
until allowed by the board, and only upo
rant signed by the president, and coun
by the secretary; provided, that the bo
draw, from time to time, from the con
fund, and deposit in the county treasur
county where the office of the board is
any sum in excess of the sum of tw
thousand dollars. The county treasure
county is hereby authorized and requir
ceive and receipt for the same, and place
to the credit of said district, and he sh
sponsible upon his official bond for the s
ing and disbursement of the same, as in
provided. He shall pay out the same, or
tion thereof, to the treasurer of the dist
and only upon the order of the board, s
the president, and attested by the secreta
said county treasurer shall report, in wr
the second Monday in each month, the a
money in the county treasury, the amou
ceipts for the month preceding, and the
or amounts paid out; said report
verified and filed with the secretary of

asurer shall also report to the
g, on the first Monday in each
unt of money in the district treas-
of receipts for the month preced-
nount and items of expenditures,
shall be verified and filed with the
board.

cost and expense of purchasing
property and constructing the
rovements herein provided for,
paid out of the construction fund.
of defraying the expenses of the
the district, and of the care,
gement, repair, and improvement
of said canal and works as are
in use, including salaries of offi-
ees, the board may in lieu (either
hole) of levying assessments as
for, fix rates of tolls and charges,
same from all persons using said
ion and other purposes.

board of directors shall have
uct the said works across any
er, watercourse, street, avenue,
y, canal, ditch, or flume which
l canal or canals may intersect or
anner as to afford security for life
ut said board shall restore the
crossed or intersected, to its for-
ar as may be, or in a sufficient
have impaired unnecessarily its
every company whose railroad
ted or crossed by said works shall
board in forming said intersec-
gs, and grant the privileges afore-
railroad company and said board,
and controllers of the said prop-
ranchise so to be crossed, cannot
mount to be paid therefor, or the
nner of said crossings or intersec-
e shall be ascertained and de-
ll respects as is herein pro-
ect to the taking of land.
way is hereby given, dedicated,
t, to locate, construct, and
orks over and through any of the
now or may be the property of

this state; and also there is given, dedic
set apart, for the uses and purposes afo
waters and water rights belonging to t
within the district.

GOVERNING DIRECTORS.

Sec. 57. The directors, when sitting as
or acting under the orders of the board, s
receive not to exceed three dollars per
actual and necessary expenses paid while
in official business under the order of t
The board shall fix the compensation to
to all officers named in this act, to be pa
the treasury of the district; provided,
board shall, upon the petition of at leas
a majority of the freeholders within such
therefor, submit to the electors at any
election a schedule of salaries and fees t
hereunder. Such petition must be pre
the board not less than twenty days
than forty days prior to a general electio
result of such election shall be determ
declared in all respects as other election
termined and declared under this act.

Sec. 58. No director or any other offic
in this act shall in any manner be inte
rectly or indirectly, in any contract aw
to be awarded by the board, or in the pr
derived therefrom; and for any violatio
provision, such officer shall be deemed g
misdemeanor, and such conviction shal
forfeiture of his office, and he shall be
by a fine not exceeding five hundred doll
imprisonment in the county jail not exce
months, or by both such fine and impris

SPECIAL ASSESSMENTS.

Sec. 59. The board of directors may
time, when in their judgment it may b
advisable, call a special election and subm
qualified electors of the district the
whether or not a special assessment
levied for the purpose of raising money
plied to any of the purposes provided in
Such election must be called upon the n
scribed, and the same shall be held an

determined and declared in all re-
ormity with the provisions of section
act. The notice must specify the
oney proposed to be raised and the
vhich it is intended to be used. At
the ballots shall contain the words
-Yes," or "Assessment—No." If two-
e of the votes cast are "Assessment
oard shall, at the time of the annual
er, levy an assessment sufficient to
unt voted.
ne rate of assessments levied under
s of this act shall be ascertained by
teen per cent. for anticipated delin-
the aggregate assessed value of the
e district as it appears on the assess-
the current year, and then dividing
d by the remainder of such aggre-
value. The assessments so levied
uted and entered on the assessment
retary of the board, and collected at
e and in the same manner as other
provided for herein; and when col-
e paid into the district treasury for
pecified in the notice of such special

RRING INDEBTEDNESS.

e board of directors, or other officers
t, shall have no power to incur any
ty whatever, either by issuing bonds
in excess of the express provisions
nd any debt or liability incurred in
uch express provisions shall be
absolutely void, except that for
of organization, or for any of
of this act, the board of di-
before the collection of the first
ncur an indebtedness not exceeding
ate the sum of two thousand dollars,
se warrants of the district to issue
ring interest at seven per cent. per

NG THE USE OF WATER.

case the volume of water in any
er shall not be sufficient to supply

the continual wants of the entire country which it passes, and susceptible of i therefrom, then it shall be the duty of t commissioners, constituted as hereinaf vided, to apportion, in a just and equitabl tion, a certain amount of said wat certain or alternate weekly days t ent localities, as they may, in their j think best for the interest of all parties c and with due regard to the legal and rights of all. Said water commissioners s sist of the chairman of the board of dir each of the districts affected.

Sec. 63. It shall be the duty of the bo rectors to keep the water flowing thro ditches under their control to the full ca such ditches in times of high water.

Sec. 64. Navigation shall never in an impaired by the operation of this act, any vested interest in or to any minin rights or ditches, or in or to any water rights, or reservoirs or dams now used owners or possessors thereof in connect any mining industry, or by persons pu or renting the use thereof, or in or to a property now used, directly or indirectly, ing on or promoting the mining industry, affected by or taken under its provisions, except that rights of way may be acqui the same.

Sec. 65. Nothing herein contained deemed to authorize any person or perso vert the waters of any river, creek, str nal, or ditch from its channel, to the d of any person or persons having any in such river, creek, stream, canal, or ditc waters therein, unless previous compens ascertained and paid therefor, under the this state authorizing the taking of priv erty for public uses.

EXEMPTION FROM TAXATION—CR OF FUNDS.

Sec. 66. The rights of way, ditches pipe-lines, dams, water rights, reserv other property of like character, belongin

hall not be taxed for state and
al purposes.
ollowing funds are hereby
shed, to which the moneys
shall be apportioned, to wit:
ction fund, general fund.

AL PROVISIONS.

rd of directors may, at any
e of any bonds or the levy of
rein provided for, bring an ac-
r court of the county wherein
e of such board, to determine
such bonds or such levy of as-
tion shall be in the nature of
, and jurisdiction of all parties
had by publication of summons
week for three weeks in some
circulation published in the
ction is pending, such paper to
he court having jurisdiction of
Jurisdiction shall be complete
er the full publication of such
manner herein provided. Any
at any time before the expira-
ys appear and by proper pro-
e validity of such bonds or as-
action shall be speedily tried
ered declaring such matter so
lid or invalid. Either party
to appeal to the supreme court
thirty days after the rendi-
ent, which appeal must be
ed within three months from
such appeal.
ch proceeding shall have been
rd of directors, then, at any
days after the levy of any as-
f any bonds under the provis-
ny district assessment-payer
n in the superior court of the
ffice of the board of directors
mine the validity of any such
bonds. The board of directors
ies defendant, and service of
made on the members of the

board personally. Said board shall have
to appear and contest such action. Su
shall be speedily tried, with the right
to either party, within the time and mann
provided for the bringing of actions by
to determine such matters. Such appeal
heard and determined in the manner an
the time therein provided.

Sec. 70. If more than one action shall
ing at the same time concerning similar
in this act provided for, they shall be co
and tried together.

Sec. 71. The court hearing any of the
herein provided for, in inquiring into
larity, legality, or correctness of such
ings, must disregard any error, irregu
omission which does not affect the su
rights of the parties to said action or pe
The rules of pleading and practice provid
Code of Civil Procedure, which are not
ent with the provisions of this act, are a
to all actions or proceedings herein pro
The motion for a new trial of any such
proceeding must be heard and determin
ten days from the filing of the notice of
The costs on any hearing, or contest he
vided for, may be allowed and apport
tween the parties, or taxed to the losing
the discretion of the court.

Sec. 72. No contest of anything o
herein provided shall be made other tha
the time and manner herein specified.

Sec. 73. For any willful violation of
press duty herein provided for, on the pa
officer herein named, he shall be liable
official bond, and be subject to remo
office, by proceedings brought in the supe
of the county wherein the office of the bo
rectors of the district is located, by an
ment-payer of the district.

EXCLUSION OF LANDS.

Sec. 74. The boundaries of any irrig
trict now organized or hereafter organi
the provision of this act, may be chan
tracts of land which were included w
boundaries of such district at or after it

the provisions of said act, may be
efrom, in the manner herein pre-
either such change of the boundaries
s nor such exclusion of lands from
all impair or affect its organization,
or to property, or any of its rights
whatever kind or nature; nor shall
ir, or discharge any contract, obli-
charge for or upon which said dis-
may become liable or chargeable,
ge of its boundaries not been made,
h land been excluded from the dis-

e owner or owners in fee of one or
land which constitute a portion of
district may jointly or severally file
d of directors of the district a peti-
that such tract or tracts, and any
ontiguous thereto, may be excluded
m said district. The petition shall
nds and reasons upon which it is
uch lands should be excluded and
the boundaries thereof, and also the
petitioner or petitioners which are
n such boundaries; but the descrip-
nds need not be more particular or
s required when the lands are en-
sessment-book by the county asses-
ition must be acknowledged in the
and form as is required in the case
ce of land, and the acknowledgment
same force and effect as evidence
ledgment of such a conveyance.
e secretary of the board of directors
notice of the filing of such petition
d for at least two weeks in some
blished in the county where the
oard of directors is situated, and if
f such territory to be excluded lie
county or counties, then said notice
hed in a newspaper published with-
d counties; or if no newspaper be
ein, then by posting such notice for
e in at least three public places in
and in case of the posting of said
said notices must be so posted on
posed to be excluded. The notice

board personally. Said board shall hav
to appear and contest such action. S
shall be speedily tried, with the right
to either party, within the time and man
provided for the bringing of actions by
to determine such matters. Such appe
heard and determined in the manner
the time therein provided.

Sec. 70. If more than one action sha
ing at the same time concerning simil
in this act provided for, they shall be c
and tried together.

Sec. 71. The court hearing any of t
herein provided for, in inquiring into
larity, legality, or correctness of such
ings, must disregard any error, irreg
omission which does not affect the
rights of the parties to said action or
The rules of pleading and practice prov
Code of Civil Procedure, which are no
ent with the provisions of this act, are
to all actions or proceedings herein pr
The motion for a new trial of any suc
proceeding must be heard and determi
ten days from the filing of the notice o
The costs on any hearing, or contest
vided for, may be allowed and appo
tween the parties, or taxed to the losin
the discretion of the court.

Sec. 72. No contest of anything
herein provided shall be made other t
the time and manner herein specified.

Sec. 73. For any willful violation o
press duty herein provided for, on the
officer herein named, he shall be liabl
official bond, and be subject to rem
office, by proceedings brought in the sup
of the county wherein the office of the
rectors of the district is located, by a
ment-payer of the district.

EXCLUSION OF LANDS.

Sec. 74. The boundaries of any irri
trict now organized or hereafter organ
the provision of this act, may be ch
tracts of land which were included
boundaries of such district at or after

provisions of said act, may be
m, in the manner herein pre-
er such change of the boundaries
r such exclusion of lands from
mpair or affect its organization,
to property, or any of its rights
natever kind or nature; nor shall
or discharge any contract, obli-
arge for or upon which said dis-
y become liable or chargeable,
of its boundaries not been made,
nd been excluded from the dis-

ner or owners in fee of one or
d which constitute a portion of
ict may jointly or severally file
directors of the district a peti-
such tract or tracts, and any
guous thereto, may be excluded
aid district. The petition shall
and reasons upon which it is
lands should be excluded and
boundaries thereof, and also the
itioner or petitioners which are
ich boundaries; but the descrip-
need not be more particular or
equired when the lands are en-
sment-book by the county asses-
n must be acknowledged in the
form as is required in the case
f land, and the acknowledgment
me force and effect as evidence
gment of such a conveyance.
cretary of the board of directors
ice of the filing of such petition
or at least two weeks in some
hed in the county where the
d of directors is situated, and if
ich territory to be excluded lie
inty or counties, then said notice
in a newspaper published with-
ounties; or if no newspaper be
then by posting such notice for
at least three public places in
in case of the posting of said
id notices must be so posted on
ed to be excluded. The notice

shall state the filing of such petition,
of the petitioners, a description of the
tioned in said petition, and the prayer
tition; and it shall notify all persons int
or who may be affected by such cha
boundaries of the district, to appear a
of said board at a time named in said
show cause, in writing, if any they hav
change of the boundaries of said distri
posed in said petition, should not be m
time to be specified in the notice at w
shall be required to show cause shall b
lar meeting of the board next after the
of the time for the publication of the n

Sec. 77. The board of directors, at th
place mentioned in the notice, or at t
times to which the hearing of said petiti
adjourned, shall proceed to hear the pe
all evidence or proofs that may or
introduced by or on behalf of the petitio
titioners, and all objections to such pe
may or shall be presented in writing by
son showing cause as aforesaid, and al
and proofs that may be introduced in
such objections. Such evidence shall
down in shorthand, and a record mad
and filed with the board. The failure o
son interested in said district, other than
ers of bonds thereof outstanding at the t
filing of said petition with said board,
cause, in writing, why the tract or trac
mentioned in said petition should not be
from said district, shall be deemed and
an assent by him to the exclusion of suc
tracts of land, or any part thereof, from
trict; and the filing of such petition w
board, as aforesaid, shall be deemed and
an assent by each and all of such petit
the exclusion from such district of the la
tioned in the petition, or any part ther
expenses of giving said notice and of t
said proceeding shall be paid by the pers
sons filing such petition.

Sec. 78. If, upon the hearing of any
tion, no evidence or proofs in support t
introduced, or if the evidence fail to sus
petition, or if the board deem it not for
interests of the district that the lands,

ientioned in the petition, should
the district, the board shall or-
tion be denied as to such lands;
ard deem it for the best interests
t the lands mentioned in the pe-
rtion thereof, be excluded from
no person interested in the dis-
in writing, why the said lands,
hereof, should not be excluded
or if, having shown cause, with-
or upon the hearing fails to es-
tions as he may have made,
he duty of the board to, and it
nake an order that the lands
scribed in the petition, or some
ereof, be excluded from said dis-
at it shall be the duty of said
upon petition therefor as afore-
s so petitioned to be excluded
shall be excluded therefrom
rrigated from, or which are not
would not, by reason of being
ted to uses other than agricul-
l, viticultural, or grazing, be di-
y the actual irrigation of the
non source, or by the same sys-
the other lands of said district,
e selected, chosen, or provided,
pted for the irrigation of the
rict, or which are already irri-
to be irrigated, from another
her system of irrigation works;
ded within the limits of any city
shall have been subdivided into
ks, shall be excluded under the
act.

e be outstanding bonds of the
ne of the filing of said petition,
ch outstanding bonds may give
vriting, to the effect that they
that the lands mentioned in the
portion thereof as may be ex-
district by order of said board,
he superior court as hereinafter
excluded from the district; and
any portion thereof, be thereaf-
the district, the lands so ex-

cluded shall be released from the lien of
standing bonds. The assent must be
edged by the several holders of such bo
same manner and form as is required in
conveyance of land, and the acknow
shall have the same force and effect as
as the acknowledgment of such conveya
assent shall be filed with the board, and
recorded in the minutes of the board;
minutes, or a copy thereof, certified by
tary of said board, shall be admissible in
with the same effect as the said assent,
certified copy thereof may be recorded in
of the county recorder of the county wh
lands are situated.

Sec. 80. In the event the said board of
shall exclude any lands from said district
tition therefor, it shall be the duty of the
directors to make an entry in the minu
board, describing the boundaries of th
should the exclusion of said lands from
trict change the boundaries of said dis
for that purpose the board may cause a
be made of such portions of the distri
board may deem necessary; and a ceritfie
the entry in the minutes of the board
any land, certified by the president and
of the board, shall be filed for record
corder's office of each county within w
situated any of the land of the district
district, notwithstanding such exclusion
and remain an irrigation district as fully
intent and purpose, as it would be had
been made in the boundaries of the distri
the lands excluded therefrom never con
portion of the district.

Sec. 81. If the lands excluded from a
under this act shall embrace the greate
of any division or divisions of such dis
the office of director for such division o
shall become and be vacant at the exp
ten days from the final order of the boa
ing said lands; and such vacancy or vaca
be filled by appointment by the board of
ors of the county where the office of suc
situated, from the district at large. A d
pointed as above provided, shall hold

egular election for said district,
essor is elected and qualified.
ast thirty days before the next
f such district, the board of di-
all make an order dividing said
e or five divisions, as the case
nearly equal in size as may be
h shall be numbered first, sec-
o on, and one director shall be
vision. For the purposes of elec-
rict, the said board of directors
convenient number of election
define the boundaries thereof,
cts may be changed from time to
d of directors may deem neces-

rdian and executor, or an admin-
te, who is appointed as such un-
his state, and who, as such guar-
administrator, is entitled to the
lands belonging to the estate
nts, may, on behalf of his ward,
ch he represents, upon being
authorized by the proper court,
edge the petition in this act men-
show cause, as in this act pro-
oundaries of the district should

ng in this act provided shall, in
rate to release any of the lands
the district from any obligation
n thereon, of any valid outstand-
r indebtedness of said district at
iling of said petition for the ex-
nds, but upon the contrary, said
eld subject to said lien, and an-
argeable for and with the pay-
ge of all of said outstanding ob-
ime of the filing of the petition
of said land, as fully as though
such exclusion were never filed
decree of exclusion never made;
ose of discharging such outstand-
said lands so excluded shall be
idered as part of said irrigation
as though said petition for its
ver been filed or said order or

decree of exclusion never made; and all
which may have been resorted to to c
payment by said lands of its quota or
said outstanding obligations, had said
never been accomplished, may, notwit
said exclusion, be resorted to to compe
force the payment on the part of said la
quota and portion of said outstanding o
of said irrigation district for which it is
herein provided. But said land so excl
not be held answerable or chargeable fo
ligation of any nature or kind whatever
after the filing with the board of directo
district of the petition for the exclusio
lands from the said district; provided,
provisions of this section shall not app
outstanding bonds, the holders of which
sented to the exclusion of such lands
district, as hereinbefore provided.

INCLUSION OF LANDS.

Sec. 85. The boundaries of any irrig
trict now organized or hereafter organi
the provisions of this act may be chan
manner herein prescribed; but such cha
boundaries of the district shall not impai
its organization, or its rights in or to pr
any of its rights or privileges of whatso
or nature; nor shall it affect, impair, or
any contract, obligation, lien, or charg
upon which it was or might become
chargeable, had such change of its boun
been made.

Sec. 86. The holder or holders, of tit
dence of title, representing one-half or
any body of lands adjacent to the bound
irrigation district, which are contig
which, taken together, constitute one tra
may file with the board of directors of
trict a petition, in writing, praying that
daries of said district may be so chan
include therein said lands. The petition
scribe the boundaries of said parcel or
land, and shall also describe the boun
the several parcels owned by the petition
petitioners be the owners, respectively o
parcels, but such descriptions need not

hey are required to be when such
l by the county assessor in the as-
Such petition must contain the
etitioners to the inclusion within
he parcels or tracts of land de-
petition, and of which said peti-
y are, respectively, the owners;
cknowledged in the same manner
s of land are required to be ac-

ecretary of the board of directors
tice of the filing of such petition
ublished in the same manner and
e that notices of special elections
bonds are required by this act to
he notice shall state the filing of
l the names of the petitioners, a
ne lands mentioned in said peti-
ayer of said petition; and it shall
as interested in, or that may be
change of the boundaries of the
r at the office of said board, at a
said notice, and show cause in
hey have, why the change in the
aid district, as proposed in said
ot be made. The time to be specl-
e at which they shall be required
all be the regular meeting of the
the expiration of the time for the
he notice. The petitioners shall
ecretary sufficient money to pay
sts of all proceedings under this

oard of directors, at the time and
in the said notice, or at such
nes to which the hearing of said
adjourned, shall proceed to hear
all objections thereto, presented
y person showing cause as afore-
roposed change of the boundaries
ould not be made. The failure
terested in said district, or in the
oposed change of its boundaries,
e, in writing, as aforesaid,
d and taken as an assent
to a change of the bound-
istrict as prayed for in said

petition, or to such a change thereof s
clude a part of said lands. And the filin
petition with said board, as aforesaid,
deemed and taken as an assent on the pa
and all of such petitioners to such a chan
boundaries that they may include the
any portion of the lands described in sai

Sec. 89. The board of directors to w
petition is presented, may require, as a
precedent to the granting of the same,
petitioners shall severally pay to such
such respective sums, as nearly as the
be estimated (the several amounts to
mined by the board), as said petitioner
grantors would have been required to pa
district as assessments, had such lands
cluded in such district at the time the
originally formed.

Sec. 90. The board of directors, if the
not for the best interests of the distri
change of its boundaries be so made as
therein the lands mentioned in the petit
order that the petition be rejected. Bu
deem it for the best interests of the dis
the boundaries of said district be change
no person interested in said district or
posed change of its boundaries shows
writing, why the proposed change shou
made, or if, having shown cause, withd
same, the board may order that the bou
the district be so changed as to include t
lands mentioned in said petition or s
thereof. The order shall describe the b
as changed, and shall also describe t
boundaries of the district as they will be
change thereof as aforesaid is made; and
purpose the board may cause a survey to
of such portions of such boundary as i
necessary.

Sec. 91. If any person interested in
trict, or the proposed change of its bo
shall show cause as aforesaid why su
daries should not be changed, and shall
draw the same, and if the board of direc
it for the best interests of the district
boundaries thereof be so changed as t
therein the lands mentioned in the pe
some part thereof, the board shall adopt

fect. The resolution shall describe
oundaries of the lands which the
e opinion should be included within
of the district when changed.
on the adoption of the resolution
he last preceding section, the board
at an election be held within said
ermine whether the boundaries of
ll be changed as mentioned in said
shall fix the time at which such
e held, and cause notice thereof to
published. Such notice shall be
lished, and such election shall be
ucted, the returns thereof shall be
vassed, and the result of the elec-
d and declared, and all things per-
conducted in the manner pre-
act in case of a special election to
ther bonds of an irrigation district
. The ballots cast at said election
e words "For change of boundary,"
ange of boundary," or words equiv-
The notice of election shall de-
posed change of the boundaries in
nd terms that it can readily be

t such election a majority of all the
said election shall be against such
boundaries of the district, the board
t said petition be denied, and shall
ther in that matter. But if a ma-
votes be in favor of such change
ries of the district, the board shall
er that the boundaries be changed
with said resolution adopted by the
aid order shall describe the entire
said district, and for that purpose
cause a survey of such portions
made as the board may deem nec-

on a change of the boundaries of a
made, a copy of the order of the
tors ordering such change, certified
nt and secretary of the board, shall
cord in the recorder's office of each
which are situated any of the lands
and thereupon the district shall be

and remain an irrigation district, as ful
every intent and purpose, as if the lan
are included in the district by the char
boundaries, as aforesaid, had been
therein at the original organization of th

Sec. 95. Upon the filing of the copies
der, as in the last preceding section n
the secretary shall record in the minut
board the petition aforesaid; and the said
or a certified copy thereof, shall be adm
evidence, with the same effect as the pet

Sec. 96. A guardian, an executor, or a
istrator of an estate, who is appointed as
der the laws of this state, and who, as s
dian, executor, or administrator, is entit
possession of the lands belonging to th
which he represents, may, on behalf of
or the estate which he represents, up
thereunto authorized by the proper co
and acknowledge the petition in this act
ed, and may show cause, as in this act n
why the boundaries of the district shou
changed.

Sec. 97. In case of the inclusion of
within any district by proceedings under
the board of directors must, at least th
prior to the next succeeding general
make an order redividing such district
or five divisions, as the case may re
nearly equal in size as may be practicab
shall be numbered first, second, third, a
and one director shall thereafter be el
each division. For the purposes of elec
board of directors must establish a c
number of election precincts in said dist
define the boundaries thereof, which
cincts may be changed from time to tim
board may deem necessary.

REDUCTION OF BONDED INDEBTE

Sec. 98. Whenever the board of direct
irrigation district heretofore organized,
ter organized under the provisions of this
determine that the authorized bonde
ness of such irrigation district is gre
such district is liable to need to con

e amount of such rental then due
led, and if not paid within ninety
r, the said lease shall be forfeited
t, together with any and all works
wned, used, or controlled by said

pon the letting of any lease, as in
ed, the board may require the lessee
ond for the faithful performance of
of said lease, or give such other evi-
faith as in their judgment may be

CTION OF UNSOLD BONDS.

henever there remains in the hands
f directors of any irrigation district
anized, or organized under the pro-
act, after the completion of its ditch
he payment of all demands against
ny bonds voted to be issued by said
not sold, and not necessary to be
aising of funds for the use of such
oard of directors may call a special
ne purpose of voting upon a propo-
oy said unsold bonds, or so many of
oe deemed best, or may submit such
a general election.
ch election shall be held in the same
her elections held under the provi-
act. A notice of such election shall
ne same manner as provided in sec-
this act in relation to calling special
he issuance of bonds. The notice of
state the amount of the bonded in-
such district authorized by the vote
the amount of the bonds remaining
e amount proposed to be destroyed,
n which such election is proposed to
the polling places as fixed by the
tors. The ballots to be cast at such
contain the words "For destroying
nd "For destroying bonds—No," and
st erase the word "No" in case he
estruction of bonds, otherwise the

hen the vote is canvassed by the
tors and entered of record, if a two-

LEASE OF WATER.

Sec. 100. Whenever any irrigation district, tofore organized, or hereafter organized unde provisions of this act, in the development o works as by law provided, may have opportu without increased expenditure, to utilize the ter by it owned or controlled, for mechanical poses not inconsistent with the provisions of act, the board of directors may lease the sam in this act hereinafter provided.

Sec. 101. Whenever the board of directors desire to lease the use of water, as hereinbe stated, they shall pass a resolution of inte to so lease the same. Immediately thereafte secretary shall cause notice of such intentio be given by publication in one newspaper lished in each county in which lands of the trict are situated, for at least twenty days vided, a newspaper is published therein, othe in any newspaper the board of directors may lect), and, if the board thinks proper in such o newspapers as may be deemed advisable, ca for bids for the leasing of said water for the poses hereinbefore mentioned. Said notice s state that the board will receive sealed propo therefor, that the lease will be let to the hig responsible bidder, stating the time and plac opening said proposals.

Sec. 102. At the time and place appointed board shall proceed to open the proposals in p lic. As soon thereafter as may be convenient board shall let said lease in portions, or as a wh to the highest responsible bidder, or they may ject any or all bids, and readvertise for propos for the same.

Sec. 103. The rental accruing upon said le may vary from year to year, as shall be specif in said lease, and shall be payable semi-annual on the thirtieth day of December and thirtieth d of June of each year. All moneys collected, as this act provided, shall be paid into the treasu and be apportioned to such funds as may be dee ed advisable.

Sec. 104. The board shall have power, as in th act provided, to execute a lease for any period n exceeding twenty-five years. If at any time t rental shall not be paid on the days hereinbefo

of irrigation districts—Powers con-

Whenever fifty, or a majority of the
e, or evidence of title, to lands sus-
mode of irrigation from a common
the same system of works, desire
the irrigation of the same, they
ne organization of an irrigation dis-
e provisions of this act, and when
uch district shall have the powers
hat may hereafter be conferred by
irrigation districts. The equalized
nent roll next preceding the presen-
ition for the organization of an irri-
, under the provisions of this act,
ent evidence of title for the purposes
[Amendment approved March 20,
91, 142.]

l of supervisors.
tition shall first be presented to the
rvisors of the county in which the
reatest portion thereof, is situated,
required number of holders of title,
title, of such proposed district evi-
ve provided, which petition shall set
icuarly describe the proposed boun-
n district, and shall pray that the
organized under the provisions of
petitioners must accompany the pe-
good and sufficient bond, to be ap-
said board of supervisors, in double
the probable cost of organizing such
tioned that the bondsmen will pay
sts in case said organizations shall
d. Such petition shall be presented
neeting of the said board, and shall
for at least two weeks before the
the same is to be presented, in some
inted and published in the county
tition is presented, together with a
the time of the meeting at which
be presented; and if any portion of
l district lie within another county
nen said petition and notice shall be
a newspaper published in each of
When such petition is presented,
l of supervisors shall hear the same
urn such hearing from time to time,

thirds majority of the votes cast should
to be in favor of the destruction of sa
then the president of the board, in the pr
a majority of the members of the board,
stroy the bonds so voted to be destroyed
total amount of bonds so destroyed and
shall be deducted from the sum authori
issued by the electors of said district, an
thereof shall thereafter be reprinted or re

SAVING CLAUSES.

Sec. 109. Nothing in this act shall b
strued as to affect the validty of any dist
tofore organized under the laws of this st
rights in or to property, or any of its
privileges of whatsoever kind or nature;
districts are hereby made subject to the p
of this act so far as applicable; nor shall
impair, or discharge any contract, obliga
or charge for, or upon which it was or
come liable or chargeable had not this
passed; nor shall it affect the validity of a
which have been issued but not sold; no
affect any action which now may be pen

Sec. 110. Nothing in this act shall be
as repealing or in anywise modifying t
sions of any other act relating to the s
irrigation or water commissioners, excep
may be contained in the act, an act en
act to provide for the organization and go
of irrigation districts, and to provide fo
quisition of water and other property, an
distribution of water thereby for irriga
poses, approved March seventh, eighteen
and eighty-seven, and the subsequent act
mentary thereto, and amendatory there
which acts so far as they may be inc
herewith, are hereby repealed.

Sec. 111. This act shall take effect fro
ter its passage and approval.

An act to provide for the organization an
ment of irrigation districts, and to pr
the acquisition of water and other
and for the distribution of water the
irrigation purposes.

[Approved March 7, 1887; Stats. 1887.

igation districts—Powers con-

ver fifty, or a majority of the
evidence of title, to lands sus-
e of irrigation from a common
same system of works, desire
irrigation of the same, they
ganization of an irrigation dis-
visions of this act, and when
district shall have the powers
nay hereafter be conferred by
gation districts. The equalized
roll next preceding the presen-
for the organization of an irri-
ler the provisions of this act,
idence of title for the purposes
endment approved March 20,
12.]

supervisors.

shall first be presented to the
rs of the county in which the
st portion thereof, is situated,
ired number of holders of title,
, of such proposed district evi-
ovided, which petition shall set
ly describe the proposed boun-
trict, and shall pray that the
anized under the provisions of
ioners must accompany the pe-
and sufficient bond, to be ap-
board of supervisors, in double
probable cost of organizing such
d that the bondsmen will pay
n case said organizations shall
uch petition shall be presented
ng of the said board, and shall
at least two weeks before the
same is to be presented, in some
and published in the county
n is presented, together with a
time of the meeting at which
presented; and if any portion of
trict lie within another county
aid petition and notice shall be
ewspaper published in each of
hen such petition is presented,
supervisors shall hear the same
such hearing from time to time,

not exceeding four weeks in all; and on
hearing may make such changes in the
boundaries as they may find to be pro
shall establish and define such boundar
vided, that said board shall not modify s
daries so as to except from the operatio
act any territory within the boundaries o
trict proposed by said petitioners which i
tible of irrigation by the same system
applicable to the other lands in such pro
trict; nor shall any lands which will n
judgment of the said board, be benefite
gation by said system be included wit
district; provided, that any person wh
are susceptible of irrigation from the san
may, in the discretion of the board, upo
tion of the owner to said board, have s
included in said district. Said board s
make an order dividing said district int
visions, as nearly equal in size as may
cable, which shall be numbered first, seco
fourth, and fifth, and one director, who s
freeholder in the division, and an elector
dent of the district, shall be elected by e
sion; provided, that if a majority of the l
title or evidence of title, evidenced as a
vided, petition for the formation of a dis
board of supervisors may, if so requeste
petition, order that there may be either
five directors, as said board may order,
district, and that they may be elected by
trict at large. Said board of supervisors s
give notice of an election to be held in
posed district, for the purpose of de
whether or not the same shall be organiz
the provisions of this act. Such notice
scribe the boundaries so established, and
ignate a name for such proposed district,
notice shall be published for at least thr
prior to such election in a newspaper
within said county; and if any portion
proposed district lie within another county
ties, then said notice shall be published i
paper published within each of said
Such notice shall require the electors to
lots, which shall contain the words "
District—Yes," or "Irrigation District—

nt thereto, and also the names of
oted for to fill the various elective
er prescribed. No person shall be
at any election held under the pro-
ict unless he shall possess all the
equired of electors under the gen-
vs of this state. [Amendment ap-
0, 1891; Stats. 1891, 142.]

e.
election shall be conducted as near-
e in accordance with the general
ate; provided, that no particular
shall be required. The said board
shall meet on the second Monday
such election, and proceed to can-
ast thereat, and if upon such can-
that at least two-thirds of all the
'Irrigation District—Yes," the said
an order entered on its minutes,
ritory duly organized as an irriga-
ler the name and style theretofore
shall declare the persons receiv-
, the highest number of votes for
fices to be duly elected to such
o action shall be commenced or
efense made, affecting the validity
tion, unless the same shall have
d or made within two years after
nd entering of said order. Said
se a copy of such order, duly certi-
diately filed for record in the office
recorder of each county in which
such lands are situated, and must
ly forward a copy thereof to the
ard of supervisors of each of the
ch any portion of the district may
rd of supervisors of any county in-
tion of such district shall, after the
nization of such district, allow an-
o be formed including any of the
istrict, without the consent of the
rs thereof; and from and after the
ling, the organization of such dis-
complete, and the officers thereof
d to enter immediately upon the
respective offices, upon qualifying
ith law, and shall hold such offices,

respectively, until their successors are elect
qualified. For the purposes of the election
provided for, the said board of supervisor
establish a convenient number of electi
cincts in said proposed district, and defi
boundaries thereof, which said precinct
thereafter be changed by the board of di
of such district. In any district the board
rectors thereof may, upon the presentatio
petition therefor, by a majority of the hol
title or evidence of title of said district, ev
as above provided, order that on and af
next ensuing general election for the distri
shall be either three or five directors,
board may order, and that they shall be ele
the district at large, or by divisions, as
tioned and ordered; and after such order s
rectors shall be so elected. [Amendment
ed March 20, 1891; Stats. 1891, 142.]

Time for election, and officers to be elect

Sec. 4. An election shall be held in each
on the first Wednesday in February, eighte
dred and ninety-three, and on the first Wed
in February in each second year therea
which an assessor, a collector, and a tr
and a board of directors for the district
elected. The person receiving the highest
of votes for any office to be filled at such
is elected thereto, and shall hold office fr
first Tuesday in March next after for two
and until his successor is elected and q
Within ten days after receiving their cer
of election, hereinafter provided for, said
shall take and subscribe the official oath
the same in the office of the board of d
and execute the bond hereinafter provi
The assessor shall execute an official bon
sum of five thousand dollars, and the coll
official bond in the sum of twenty thous
lars, and the district treasurer an official
the sum of fifty thousand dollars, each
bonds to be approved by the board of di
and each member of said board of directo
execute an official bond in the sum of fi
sand dollars, which said bonds shall be a
by the judge of the superior court of said
where such organization was effected, a
be recorded in the office of the county

ed with the secretary of said board. nds herein provided for shall be in rribed by law for the official bonds ers. [Amendment approved March s. 1891, 142.]

ction notices.

een days before any election held , subsequent to the organization of e secretary of the board of directors otices to be posted in three public election precinct, of the time and ng the election, and shall also post ce of the same in the office of said hall be established and kept at some be determined by said board, speci- ng-places of each precinct. Prior to osting the notices, the board must ch precinct, from the electors there- or and two judges, who shall con- d of election for such precinct. If to appoint a board of election, or ppointed do not attend at the open- ls on the morning of election, the precinct present at that hour may ard, or supply the place of an absent f. The board of directors must, in inting the board of election, desig- or place within the precinct where ust be held.

lection board—Duties of.

inspector is chairman of the elec- l may,—

ister all oaths required in the prog- ction.

oint judges and clerks, if, during f the election, any judge or clerk Any member of the board of elec- rk thereof, may administer and cer- uired to be administered during the election. The board of election for must, before opening the polls, ap- ons to act as clerks of the election. g the polls, each member of the n clerk must take and subscribe an lly perform the duties imposed upon Any elector of the precinct may ad-

minister and certify such oath. The poll
be opened one hour after sunrise on the
of the election, and be kept open until
when the same must be closed. The provi
the Political Code concerning the form o
to be used shall not apply to elections hel
this act.

Time of voting.

Sec. 7. Voting may commence as soon
polls are opened, and may be continued du
the time the polls remain opened, and shall
ducted as nearly as practicable in accordan
the provisions of chapter nine of title two
three of the Political Code of this state.
as the polls are closed, the judges shall o
ballot-box and commence counting the vot
in no case shall the ballot-box be remove
the room in which the election is held u
the ballots have been counted. The coun
ballots shall in all cases be public. The
shall be taken out, one by one, by the insp
one of the judges, who shall open them a
aloud the names of each person contained
and the office for which every such person
for. Each clerk shall write down each offi
filled, and the name of each person voted
such office, and shall keep the number of v
tallies, as they are read aloud by the insp
judge. The counting of votes shall be co
without adjournment until all have been c

Manner of certifying to returns.

Sec. 8. As soon as all the votes are read
counted, a certificate shall be drawn up on
the papers containing the poll list and ta
attached thereto, stating the number of vo
one voted for has received, and designating
fice to fill which he was voted for, which
shall be written in figures and in words
length. Each certificate shall be signed
clerk, judge, and the inspector. One of s
tificates, with the poll list and the tally
which it is attached, shall be retained by
spector, and preserved by him at least six
The ballots shall be strung upon a cord o
by the inspector during the counting the
the order in which they are entered upon

ıid district bears to the whole sum
the district; provided, that any
assign the right to the whole or
the waters so apportioned to him.
pproved March 20, 1891; Stats. 1891,

ectors.
board of directors shall hold a reg-
meeting in their office, on the first
ery month, and such special meet-
e required for the proper transac-
s; provided, that all special meetings
d by a majority of the board. The
entered of record, and five days'
must, by the secretary, be given to
not joining in the order. The order
the business to be transacted, and
n that specified must be transacted
meeting. All meetings of the board
c, and three members shall consti-
for the transaction of business; but
ıs requiring a vote there shall be a
f at least three members of said
ords of the board shall be open to
of any elector during business hours.
its agents and employees shall have
ter upon any land to make surveys,
e the necessary irrigation works and
y canal or canals, and the necessary
the same, on any lands which may
st for such location. Said board
e the right to acquire, either by pur-
emnation or other legal means, all
ıters and water rights, and other
ssary for the construction, use, sup-
nce, repair, and improvements of
canals and works, including canals
nstructed and being constructed by
s, lands for reservoirs for the storage
vaters, and all necessary appurte-
se of purchase, the bonds of the dis-
er provided for may be used at their
payment; and in case of condemna-
l shall proceed, in the name of the
the provisions of title seven, of part
code of civil procedure. Said board

Fifth—The number of votes in each divi
the office of director, and the number of vo
en in the district for the offices of assess
lector, and treasurer.

Election, how entered.

The board of directors must declare elec
persons having the highest number of vot
for each office. The secretary must imm
make out and deliver to such person a ce
of election, signed by him, and authenticat
the seal of the board. In case of a vac
the office of assessor, collector, or treasu
vacancy shall be filled by appointment
board of directors. In case of a vacancy
office of director, the vacancy shall be f
appointment by the board of supervisors
county where the office of such board of d
is situated from the division in which the
occurred. An officer appointed as above
shall hold his office until the next regular
for said district, and until his successor is
and qualified. [Amendment approved F
16, 1889; Stats. 1889, 15.]

Organization of Board.

Sec. 11. On the first Tuesday in March
lowing their election, the board of directo
meet and organize as a board, elect a p
from their number, and appoint a secreta
shall each hold office during the pleasur
board. The board shall have the power,
shall be their duty, to manage and cond
business and affairs of the district; make
cute all necessary contracts; employ and
such agents, officers, and employees as ma
quired, and prescribe their duties; establi
table by-laws, rules, and regulations for
tribution and use of water among the ov
said lands, and generally to perform all s
as shall be necessary to fully carry out
poses of this act. The said by-laws, ru
regulations must be printed in convenie
for distribution in the district. And it is
expressly provided that all waters distrib
irrigation purposes shall be apportioned ra
each landowner upon the basis of the rati
the last assessment of such owner for dist

district bears to the whole sum
he district; provided, that any
ssign the right to the whole or
he waters so apportioned to him.
roved March 20, 1891; Stats. 1891,

tors.
oard of directors shall hold a reg-
eting in their office, on the first
month, and such special meet-
required for the proper transac-
rovided, that all special meetings
by a majority of the board. The
ntered of record, and five days'
ist, by the secretary, be given to
joining in the order. The order
business to be transacted, and
hat specified must be transacted
eeting. All meetings of the board
and three members shall consti-
the transaction of business; but
requiring a vote there shall be a
t least three members of said
ds of the board shall be open to
any elector during business hours.
agents and employees shall have
upon any land to make surveys,
he necessary irrigation works and
anal or canals, and the necessary
same, on any lands which may
for such location. Said board
he right to acquire, either by pur-
nation or other legal means, all
s and water rights, and other
y for the construction, use, sup-
, repair, and improvements of
nals and works, including canals
ructed and being constructed by
nds for reservoirs for the storage
ers, and all necessary appurte-
of purchase, the bonds of the dis-
rovided for may be used at their
ment; and in case of condemna-
hall proceed, in the name of the
e provisions of title seven, of part
e of civil procedure. Said board

may also construct the necessary dams, i
and works for the collection of water fo
trict, and do any and every lawful act
to be done that sufficient water may be
to each landowner in said district for irrig
poses. The use of all water required f
rigation of the lands of any district forn
the provisions of this act, together with
of way for canals and ditches, sites for
and all other property required in fully
out the provisions of this act, is hereby
to be a public use, subject to the regul
control of the state, in the manner pres
law. [Amendment approved March 20, 1
1891, 142.]

Title to property acquired under provisio

Sec. 13. The legal title to all property
under the provisions of this act shall im
and by operation of law vest in such
district, and shall be held by such distric
for and is hereby dedicated and set ap
uses and purposes set forth in this act.
board is hereby authorized and empowere
use, acquire, manage, occupy, and pos
property as herein provided.

Powers of board in suits at law or in e

Sec. 14. The said board is hereby a
and empowered to take conveyances or
surances for all property acquired by it
provisions of this act, in the name of su
tion district, to and for the uses and
herein expressed, and to institute and
any and all actions and proceedings, sui
or in equity, necessary or proper in orde
carry out the provisions of this act, or t
maintain, protect, or preserve any and
privileges, and immunities created by t
acquired in pursuance thereof. And in
actions, suits, or proceedings, the said b
sue, appear, and defend, in person or by
and in the name of such irrigation distr

Special election for issuance of bonds.

Sec. 15. For the purpose of constructi
sary irrigating canals and works, and
the necessary property and rights ther
otherwise carrying out the provisions of

rectors of any such district must, ıch district has been organized as ıble, and whenever thereafter the ıd has been exhausted by expendi- thorized therefrom, and the board ry or expedient to raise additional purposes, estimate and determine money necessary to be raised, and ly thereafter call a special election, e submitted to the electors of such ng the qualifications prescribed by estion whether or not the bonds of the amount as determined shall be of such election must be given, by n three public places in each elec- said district, for at least twenty by publication of such notice in r published in the county where e board of directors of such dis- l to be kept, once a week for at essive weeks. Such notices must ne of holding the election, the s proposed to be issued, and said e held and the result thereof de- eclared in all respects as nearly as conformity with the provisions of ng the election of officers; provided, alities in conducting such an elec- date the same, if the election shall rwise fairly conducted. At such ots shall contain the words "Bonds onds—No," or words equivalent majority of the votes cast are the board of directors shall cause mount to be issued; if a majority t at any bond election are "Bonds t of such election shall be so de- ed of record, and whenever there- l in its judgment deems it for the f the district that the question of ds in said amount, or any amount, ted to said electors, it shall so de- n its minutes, and may thereupon estions to said electors in the same th like effect as at such previous onds shall be payable in gold coin tates, in ten series, as follows, to

wit: At the expiration of eleven years
cent of the whole number of said bon
expiration of twelve years, six per cen
expiration of thirteen years, seven per ce
expiration of fourteen years, eight per ce
expiration of fifteen years, nine per cen
expiration of sixteen years, ten per cen
expiration of seventeen years, eleven pe
the expiration of eighteen years, thirteen
at the expiration of nineteen years, fi
cent; at the expiration of twenty year
per cent; and shall bear interest at the r
per cent per annum, payable semi-annual
first day of January and July of each y
principal and interest shall be payable at
designated therein. Said bonds shall b
the denomination of not less than one hu
lars nor more than five hundred dollars
negotiable in form, signed by the pres
secretary, and the seal of the board of
shall be affixed thereto. Each issue shal
bered consecutively as issued, and the
each issue shall be numbered consecuti
bear date at the time of their issue. Co
the interest shall be attached to each bo
by the secretary. Said bonds shall ex
their face that they were issued by aut
this act, stating its title and date of appr
shall also so state the number of the issue
such bonds are a part. The secretary s
a record of the bonds sold, their number,
of sale, the price received, and the nam
purchaser. In case the money raised by
bonds issued be insufficient for the com
the plan of canal and works adopted,
tional bonds be not voted, it shall be th
the board of directors to provide for th
tion of said plan by levy of assessments
It shall be lawful for any district, which
tofore issued bonds under the law then
to issue in place thereof an equal amount
in accordance with this amendment, an
the same, or any part thereof, as herein
vided, or exchange the same, or any par
with the holders of such previously issu
which may be outstanding, upon such
may be agreed upon between the board

rict and the holders of such out-
; provided, that said board shall
ny such bonds for less amount in
e bonds received. All of such old
of which new bonds are issued,
ved whenever lawfully in posses-
rd. [Amendment approved March
1891, 147.]

onds.

board may sell said bonds from
such quantities as may be neces-
advantageous, to raise money for
of said canals and works, the ac-
d property and rights, and other-
ry out the objects and purposes of
making any sale, the board shall,
y resolution, declare its intention
ed amount of the bonds, and the
nd place of such sale, and shall
ution to be entered in the minutes,
e sale to be given, by publication
twenty days, in a daily newspaper
h of the cities of San Francisco,
d Los Angeles, and in any other
heir discretion. The notice shall
proposals will be received by the
office, for the purchase of the
ay and hour named in the resolu-
ne appointed, the board shall open
d award the purchase of the bonds
esponsible bidder, and may reject
d board shall in no event sell any
ds for less than ninety per cent
e thereof.

bonds and the interest thereon
revenue derived from an annual
n the real property of the district;
property in the district shall be
ble to be assessed for such pay-
after provided. And as additional
payment of all said bonds, and
the board of directors shall have
by mortgage, trust deed, or other-
y of the district situate within or
strict, whether real, personal, or

mixed, of whatsoever kind, including all
and privileges held or possessed at the tim
issue of said bonds, or which may hereaft
quired under the provisions of this act.
ment approved March 11, 1893; Stats. 189

Assessment of real property.

Sec. 18. The assessor must, between
Monday in March and the first Monday in
each year, assess all real property in the
to the persons who own, claim, have the
sion or control thereof, at its full cash va
must prepare an assessment-book, with
ate headings, in which must be listed
property within the district, in which
specified, in separate columns, under th
priate head,--

First. The name of the person to wh
property is assessed. If the name is not k
the assessor, the property shall be ass
"unknown owners."

Second. Land by township, range, se
fractional section, and when such land
congressional division or subdivision, b
and bounds, or other description sufficient
tify it, giving an estimate of the number
locality, and the improvements thereon.

Third. City and town lots, naming the
town, and the number and block, accordin
system of numbering in such city or town,
improvements thereon.

Fourth. The cash value of real estat
than city or town lots.

Fifth. The cash value of improvements
real estate.

Sixth. The cash value of city and tow

Seventh. The cash value of improvem
city and town lots.

Eighth. The cash value of improvem
real estate assessed to persons other than
ers of the real estate.

Ninth. The total value of all property

Tenth. The total value of all proper
equalization by the board of directors.

Eleventh. Such other things as the boa
rectors may require.

Any property which may have escaped
ment of any assessment for any year shal

essment for the then current year,
such year, with the same effect
ame penalties as are provided for
ar. [Amendment approved March
1891, 244.]

deputy assessors, and compen-

board of directors must allow the
y deputies, to be appointed by him,
udgment of the board, enable him
assessment within the time here-
The board must fix the compensa-
outies, which shall be paid out of
the district. The compensation
five dollars per day for each dep-
e actually engaged, nor must any
ade but for work done between
y in March and the first Monday
ch year.

e assessment.

r before the first Monday in Aug-
r the assessor must complete his
, and deliver it to the secretary of
must immediately give notice
the time the board of directors,
rd of equalization, will meet to
nents, by publication in a news-
in each of the counties comprising
e time fixed for the meeting shall
twenty nor more than thirty days
publication of the notice; and in
the assessment-book must remain
he secretary for the inspection of
ested.

of equalization.

the day specified in the notice re-
receding section for the meeting,
ectors, which is hereby constituted
alization for that purpose, shall
ue in session from day to day, as
necessary, not to exceed ten days,
days, to hear and determine such
valuation and assessment as may
m; and the board may change the
ay be just. The secretary of the
present during its sessions, and

note all changes made in the valuation
erty, and in the names of the person
property is assessed; and within ten d
the close of the session, he shall have
values, as finally equalized by the board,
into columns, and added.

Levying of assessment to pay interest on

Sec. 22. The board of directors shall
an assessment sufficient to raise the ann
est on the outstanding bonds, and at the e
of ten years after the issuing of bonds or
must increase said assessment to an amo
cient to raise a sum sufficient to pay the
of the outstanding bonds as they mature.
retary of the board must compute and e
separate column of the assessment-boo
spective sums, in dollars and cents, to b
an assessment on the property therein
ated. When collected, the assessment
paid into the district treasury, and sha
tute a special fund, to be called the "Bo
of —— Irrigation District." In case of th
or refusal of the board of directors to ca
assessment and levy to be made as in
provided, then the assessment of prope
by the county assessor and the sta
of equalization shall be adopted, a
be the basis of assessments for the
and the board of supervisors of the
which the office of the board of director
ated shall cause an assessment-roll for
trict to be prepared, and shall make the
quired by this act, in the same manner
like effect as if the same had been made
board of directors, and all expenses incide
to shall be borne by such district. In ca
neglect or refusal of the collector or tre
the district to perform the duties imposed
then the tax collector and treasurer of th
in which the office of the board of directo
uated must, respectively, perform such du
shall be accountable therefor upon the
bonds as in other cases. [Amendment
March 20, 1891; Stats. 1891, 147. This sec
also amended in 1889; Stats. 1889, 15.]

assessment upon real property is
e property assessed from and af-
day in March for any year, and
onds of any issue shall be a pre-
t for any subsequent issue, and
emoved until the assessments are
rty sold for the payment thereof.
proved March 20, 1891; Stats.

ssments—How made.
before the first day of November,
st deliver the assessment-book to
the district, who shall, within
lish a notice in a newspaper pub-
inty in which any portion of the
that said assessments are due
l will become delinquent at six
the last Monday of December
nd that, unless paid prior there-
ill be added to the amount there-
ime and place at which payment
ay be made, which notice shall
the period of two weeks. The
end at the time and place speci-
e to receive assessments, which
old and silver coin; he must mark
ent of any assessment in the as-
pposite the name of the person
a receipt to such person, specify-
f the assessment and the amount
ription of the property assessed.
day in December, at six o'clock,
ar, all unpaid assessments are de-
reafter the collector must collect
se of the district, an addition of
Amendment approved March 31,
244.]

elinquent list.
before the first day of February,
st publish the delinquent list,
in the names of the persons and
he property delinquent, and the
sessments and costs due opposite
description. He must append to
he delinquent list a notice, that

unless the assessments delinquent, togeth
costs and percentages, are paid, the real
upon which such assessments are a lien
sold at public auction. The publication
made once a week for three successive w
a newspaper published in the county in w
property delinquent is situated; provided,
any property assessed to the same perso
poration shall lie in more than one coun
such publication may be made in any c
which any portion of such property may
publication must designate the time and
sale. The time of sale must not be le
twenty-one nor more than twenty-eight da
the first publication, and the place mu
some point designated by the collector, wi
district. [Amendment approved March
Stats. 1891, 244.]

Collection of penalties on delinquent asse

Sec. 26. The collector must collect, in
to the assessments due on the delinquent
five per cent added, fifty cents on each l
or tract of land separately assessed, on
which must go to the district and the
the collector for preparing the list. On
fixed for the sale, or some subsequent
which he may have postponed it, of w
must give notice, the collector, between t
of ten o'clock, A. M., and three o'clock
must commence the sale of the propert
tised, commencing at the head of the list
tinuing alphabetically, or in the numeric
of the lots or block, until completed.
postpone the day of commencing the sale
sale, from day to day, but the sale must
pleted within three weeks from the
fixed; provided, that if any sale or sales
stayed by injunction, the time of the con
of the injunction is not part of the time
for making such sale or sales. [Amendi
proved March 31, 1891; Stats. 1891, 244.]

Right of owner to designate property to b

Sec. 27. The owner or person in posse
any real estate offered for sale for ass
due thereon may designate in writing to
lector, prior to the sale, what portion of
erty he wishes sold, if less than the whol

sessor does not, then the collector , and the person who will take of the land, or in case an undi- assessed, then the smallest por- st, and pay the assessments and ing two dollars to the collector e certificate of sale, is the pur- rchaser does not pay the assess- before ten o'clock, A. M., the fol- roperty on the next sale day must assessments and costs. But in purchaser in good faith for the day that the property is offered hen the property is offered there- d there is no purchaser in good e, the whole amount of the prop- ll be struck off to the irrigation hich such lands are situated as d the duplicate certificate deliv- urer of the district, and filed by . No charge shall be made for tificate where the district is the in such case, the collector shall Sold to the district," and he shall the amount thereof in his settle- tion district, as a purchaser at e entitled to the same rights as a , and the title so acquired by the o the right of redemption herein conveyed by deed, executed and the president and secretary of ded, that authority to so convey d by resolution of the board, en- tes, fixing the price at which such e, and such conveyance shall not ss sum than the reasonable mar- h property. After receiving the sments and costs, the collector duplicate a certificate, dated on stating (when known) the names sessed, a description of the land paid therefor, that it was sold giving the amount and year of nd specifying the time when the e entitled to a deed. The certifi- ed by the collector, and one copy purchaser, and the other filed in

ing unpaid assessments against any p
property, is prima facie evidence of th
ment, the property assessed, the delinqu
amount of assessments due and unpaid,
all the forms of the law in relation to th
ment and levy of such assessments ha
complied with.

Validity of sale.

Sec. 32. When land is sold for ass
correctly imposed, as the property of a p
person, no misnomer of the owner or
owner, or other mistake relating to the o
thereof, affects the sale or renders it void
able.

Time and manner of settlement.

Sec. 33. On the first Monday in each m
collector must settle with the secretary
board for all moneys collected for asse
and pay the same over to the treasurer; a
in six days thereafter he must deliver to
in the office of the secretary a stateme
oath, showing,—

First—An account of all his transaction
ceipts since his last settlement.

Second—That all money collected by hi
lector has been paid.

The collector shall also file in the offic
secretary on said first Monday in each m
receipt of the treasurer for the money s

Payment of coupons.

Sec. 34. Upon the presentation of the
due to the treasurer, he shall pay the sa
said bond fund. Whenever, after ten ye
the issuance of said bonds, said fund shal
to the sum of ten thousand dollars, the
directors may direct the treasurer to pay
amount of said bonds not due as the mone
fund will redeem, at the lowest value
they may be offered for liquidation, after
ing for at least four weeks in some daily
per in each of the cities hereinbefore na
in any other newspaper which said bo
deem advisable, for sealed proposals fo
demption of said bonds. Said proposals
opened by the board in open meeting, at
be named in the notice, and the lowest bid

accepted; provided, that no bond
ed at a rate above par. In case
qual, the lowest numbered bond
preference. In case none of the
oads shall desire to have the same
ein provided for, said money shall
the treasurer, under the direction
United States gold bearing bonds,
the state, which shall be kept in
and may be used to redeem said
henever the holders thereof may

uction of canals.

adopting a plan of said canal o
reservoirs, and works, the board
l give notice, by publication there-
n twenty days in one newspaper
ch of the counties composing the
d, a newspaper is published there-
h other newspapers as they may
calling for bids for the construc-
ork or of any portion thereof; if
hole work is advertised, then the
ertised must be particularly de-
notice. Said notice shall set forth
specifications can be seen at the
rd, and that the board will receive
s therefor, and that the contract
ne lowest responsible bidder, stat-
d place for opening said proposals,
ime and place appointed, shall be
; and as soon as convenient there-
shall let said work, either in por-
iole, to the lowest responsible bid-
y reject any or all bids and read-
osals, or may proceed to construct
their own superintendence. Con-
rchase of material shall be award-
t responsible bidder. Any person
hom a contract may be awarded
a bond, with good and sufficient
pproved by the board, payable to
its use, for twenty-five per cent
of the contract price, conditioned
performance of said contract. The
one under the direction and to the
the engineer, and be approved by

the board. [Amendment approved March
Stats. 1891, p. 142.]

Payment of claims.

Sec. 36. No claim shall be paid by the
until allowed by the board, and only up
rant signed by the president, and coun
by the secretary; provided, that the bo
draw from time to time from the construc
and deposit in the county treasury of th
where the office of the board is situated
in excess of the sum of twenty-five thou
lars. The county treasurer of said count
by authorized and required to receive an
for the same, and place the same to the
said district, and he shall be responsible
official bond for the safe-keeping and
ment of the same as in this act provided.
pay out the same, or any portion there
treasurer of the district only, and only
order of the board, signed by the presi
attested by the secretary. The said cou
urer shall report in writing, on the sec
day in each month, the amount of mon
county treasury, the amount of receipt
month preceding, and the amount or amo
out; said report shall be verified and f
the secretary of the board. The district
shall also report to the board, in writin
first Monday in each month, the amount
in the district treasury, the amount of re
the month preceding, and the amount and
expenditures, and said report shall be ver
filed with the secretary of the board.

Payments from construction fund.

Sec. 37. The cost and expense of pu
and acquiring property, and construc
works and improvements herein provided
be wholly paid out of the construction fu
the purpose of defraying the expenses o
ganization of the district, and of the car
tion, management, repair, and improve
such portions of said canal and works as
pleted and in use, including salaries of off
employes, the board may either fix rate
and charges, and collect the same from al
using said canal for irrigation and other
or they may provide for the payment of

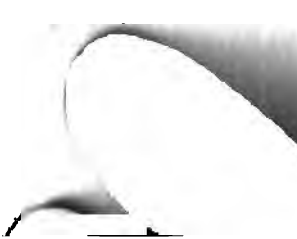
levy of assessments therefor, or
ls and assessments; if by the lat-
h levy shall be made on the com-
alization of the assessment roll,
shall have the same powers and
e purposes of said levy as are now
oards of supervisors in this state.
or the collection of assessments by
in all respects, conform to the pro-
ct relating to the payment of prin-
st of bonds herein provided for.

d.

board of directors shall have the
uct the said works across any
watercourse, street, avenue, high-
anal, ditch, or flume which the
anal or canals may intersect or
anner as to afford security for life
out said board shall restore the
crossed or intersected, to its for-
r as may be, or in a sufficient man-
impaired unnecessarily its useful-
company whose railroad shall be
ossed by said works shall unite
rd in forming said intersec-
ssings, and grant the privi-
; and if such railroad com-
board, or the owners and con-
said property, thing, or fran-
crossed, cannot agree upon the
aid therefor, or the points or the
crossings or intersections, the
scertained and determined in all
erein provided in respect to the
The right of way is hereby given,
et apart, to locate, construct, and
orks over and through any of the
now or may be the property of
lso there is given, dedicated, and
e uses and purposes aforesaid, all
er rights belonging to this state
ct.

diem of directors.

board of directors shall each re-
s per day, and mileage at the rate
per mile, in attending meetings,
necessary expenses paid while en-



gaged in official business under the or
board. The board shall fix the compens
paid to the other officers named in the
paid out of the treasury of the district
that said board shall, upon the petition
fifty, or a majority of the freeholders w
district therefor, submit to the electors a
eral election a schedule of salaries and
paid hereunder. Such petition must be
to the board twenty days prior to a ge
tion, and the result of such election shal
mined and declared in all respects as
tions are determined and declared unde

Prohibiting officers from any interest in

Sec. 40. No director or any other offi
in this act shall in any manner be inte
rectly or indirectly, in any contract awa
be awarded by the board, or in the pr
derived therefrom; and for any violati
provision such officer shall be deemed
misdemeanor, and such conviction sha
forfeiture of his office, and he shall be
by a fine not exceeding five hundred
by imprisonment in the county jail not
six months, or by both such fine and
ment.

Special election.

Sec. 41. The board of directors may,
time, when in their judgment it may be
call a special election and submit to th
electors of the district the question whet
a special assessment shall be levied fo
pose of raising money to be applied to
purposes provided in this act. Such ele
be called upon the notice prescribed, and
shall be held, and the result thereon d
and declared in all respects in conformit
provisions of section fifteen of this act.
tice must specify the amount of money
to be raised, and the purpose for whic
tended to be used. At such elections t
shall contain the words, "Assessment—
"Assessment—No." If two-thirds or mo
votes cast are "Assessment—Yes," the bo
at the time of the annual levy hereunde
assessment sufficient to raise the amou
The rate of assessment shall be ascer

per cent for anticipated delin-
aggregate assessed value of the
istrict, as it appears on the as-
the current year, and then di-
oted by the remainder of such
l value. The assessments so
mputed and entered on the as-
he secretary of the board, and
ame time and in the same man-
sments provided for herein; and
ll be paid into the district treas-
es specified in the notice of such

ebt.
oard of directors, or other offi-
t, shall have no power to incur
ity whatever, either by issuing
e, in excess of the express pro-
, and any debt or liability incur-
uch express provisions shall be
itely void, except that for the
ization, or for any of the pur-
the board of directors may, be-
of the first assessment, incur an
exceeding in the aggregate the
nd dollars, and may cause war-
ct to issue therefor, bearing in-
cent per annum. [Amendment
0, 1891; Stats. 1891, p. 142.]

water.
e the volume of water in any
hall not be sufficient to supply
ts of the entire country through
nd susceptible of irrigation
shall be the duty of the water
nstituted as hereinafter pro-
, in a just and equitable propor-
ount of said water upon certain
y days to different localities, as
judgment think best for the in-
es concerned, and with due re-
nd equitable rights of all. Said
ers shall consist of the chair-
of directors of each of the dis-

Duty of directors.

Sec. 44. It shall be the duty of the board of directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

Affecting navigation and mining industry.

Sec. 45. Navigation shall never in any wise be impaired by the operation of this act, nor shall any vested interest in or to any mining water rights or ditches, or in or to any water or water rights, or reservoirs or dams, now used by the owners or possessors thereof, in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used directly or indirectly in carrying on or promoting the mining industry, ever be affected by or taken under its provisions, save and except that rights of way may be acquired over the same.

Diverting waters.

Sec. 46. None of the provisions of this act shall be construed as repealing or in any wise modifying the provisions of any other act relating to the subject of irrigation or water commissioners. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor under the laws of this state authorizing the taking of private property for public uses.

Sec. 47. This act shall take effect immediately.

An act to promote irrigation.

[Approved April 1, 1872; Stats. 1871-2, p. 945.

Petition to supervisors.

Section 1. Whenever the owners of any body of lands susceptible of one mode of irrigation or drainage desire to irrigate or drain the same, they may present to the board of supervisors of the county in which the lands or the greater portion thereof are situated, at a regular meeting of the board, a petition setting forth that they desire to adopt measures to irrigate the same, the desc

by legal subdivisions, the num-
e whole district, and the number
ract, with the names of the own-
the names of three persons who
ve as trustees for the first three

tition must be verified by the af-
he petitioners, and must be pub-
weeks next preceding the hear-
ome newspaper published in the
he lands are situated; or if there
published in the county, then it
d in some newspaper having a
n in the county, and an affidavit
ust be filed with such petition.

a district is situated partly in
, the trustees must, after the pe-
anted, forward a copy thereof to
board of supervisors of each of
hich any portion of the district
board to which the same is for-
allow another district to be form-
strict unless with the consent of
eof.

ion—Trustees.

board of supervisors find upon
e petition that the statements are
no land is improperly included or
e district, they must note their
petition, which approval must be
sident and attested by the clerk;
ter the approval the district is
the persons named in the peti-
es for the first three months, and
sors are appointed.

ition must then be recorded by
er in a book kept for the purpose.

he approval of the petition, the
nake such by-laws as they deem
ure appointment of trustees, and
s of irrigation or drainage, keep
and operation, and for the con-

trol and management thereof, by the vot
sent of a majority of the owners of the la
in their districts.

Record of by-laws.

Sec. 7. The by-laws adopted must be
persons owning a majority of the land
district, and must be recorded by the
corder in the same book and immediate
ing the petition.

Powers of trustees.

Sec. 8. The board thus formed have
elect one of their number president th
to employ engineers to survey, plan, l
estimate the cost of the works necessa
irrigation, the water rights needed, and
needed for right of way, including drai
sluices, water gates, embankments, an
for construction, and to construct, mai
keep in repair all works necessary to th
view.

Reports.

Sec. 9. The board of trustees must re
board of supervisors of the county, or
trict is in more than one county then to
of supervisors of each county, in which
is situated, the plans of the work and es
the costs, together with estimates of the
expenses of superintendence, repairs, et

Assessments for benefits.

Sec. 10. The board by which the di
formed must appoint three commissio
terested persons, resident of the county
the district or some part thereof is sit
must view and assess upon the lands
within the district a charge proportion
whole expense and to the benefits whi
sult from such works, which charge m
lected and paid into the county treasu
inafter provided, and must be placed by
urer to the credit of the district, and p
the work of irrigation or drainage upo
rants of the trustees, approved by th
supervisors of the county.

Warrants.

Sec. 11. The warrants drawn by th
must ,after they are approved by the

presented to the treasurer of the
hey are not paid on presentation,
must be made thereon, and they
ed in like manner as county war-

e district in two counties.
district is situated partly in differ-
e charge must be paid into the
county in which the particular
uated.

ents.
original assessment is insufficient
e complete irrigation or drainage
the district, or if further assess-
time to time required to provide
n, maintenance, and repair of the
ees must present to the board of
which the district was formed a
e work to be done and its esti-
he board must make an order di-
nissioners who made the original
her commissioners to be named in
sess the amount of such estimated
upon the lands within the district,
t must be made and collected in
r as the original assessment.

assessed.
commissioners appointed by the
isors must make a list of the
against each tract of land.

ntain.
ist must contain:
on, by legal subdivisions or na-
of each tract assessed;
r of acres in each tract;
of the owners of each tract, if
nknown, that fact;
t of the charge assessed against

with treasurer.
st so made must be filed with the
of the county, or if the district is
different counties, then the orig-
be filed in the county first in
abetical arrangement, and copies
by the commissioner, must be

filed with the treasurer of each of the other coun ties.

Charges, when constitute liens.

Sec. 17. From and after the filing of the list, o certified copy thereof, the charges assessed upo any tract of land within the county constitutes lien thereon.

Payments.

Sec. 18. The lists thus prepared must remain the office of the treasurer for thirty days, or longe if ordered by the board of trustees, and during th time they so remain any person may pay th amount of the charge against any tract to th treasurer, without cost.

Action to collect charges.

Sec. 19. If at the end of thirty days, or of th longer time fixed by the trustees, all of the charg have not been paid, the treasurer must return th lists to the district attorney, who must at onc proceed by civil action to collect such charges.

Work.

Sec. 20. The work must be executed under th direction and in the manner prescribed by th board of trustees.

Accounts.

Sec. 21. The board must keep accurate accoun of all expenditures, which accounts, and all co tracts that may be made by them, are open to th inspection of the board of supervisors and eve person interested.

Property may be acquired.

Sec. 21. The trustees may acquire, by purcha all property necessary to carry out and maint the system of irrigation or drainage provided f

Condemnation.

Sec. 22. The trustees may acquire by condem nation:

1. The right to the use of any running wat not already used for culinary or domestic pu poses, or for irrigating, milling, or mining pu poses;

2. The right of way for canals, drains, embank ments, and other work necessary, and may tak materials for the construction, maintenance, an repair thereof, from lands outside of as well within the limits of the district.

provisions of Title VII., Part III., Civil Procedure, are applicable to, nnation herein provided for must nder.

ainage by individual owners.

ever any district susceptible of rrigation or drainage is entirely es who desire to irrigate or drain to manage the irrigation or drain- intervention of trustees or the es- by-law, they may file the petition sections one and two, and must at they intend to undertake the ir- nage on their own responsibility.

ners.

e petition is granted, the owners ve all the rights, immunities, and ted to boards of trustees, and gs the names of the owners may of the names of trustees.

to certain counties.

act shall not be so construed as counties of Fresno, Kern, Tulare,

act, and the provisions of the title Civil Procedure herein referrred to, dings under this act are to be had, from and after the passage of this

ntal to an act entitled "An act to the organization and government distri ts, and to provide for the of water and other property, and ribution of water thereby for ir- poses," approved March 7, 1887, r the abandonment of operations districts and for their disorgani- the discharge of all outstanding and dividing irrigation districts for the purposes of this act.

arch 25, 1895: Stats. 1893, p. 520.]

henever a petition is presented to rectors of an irrigation district in —46.

this state, organized under the provisions
act to provide for the organization and
ment of irrigation districts, and to provide
acquisition of water and other property,
the distribution of water thereby for h
purposes," app.oved March seventh,
hundred and eighty-seven commonly kn
the Wright law signed by a majority of
sessment payers within said district, whos
appear upon the last preceding assessmen
said district, asking for the abandonment
ther operations by the district, the boar
rectors of said district shall call a special
as provided in other cases for holding spec
tions in irrigation districts at which the
of such abandonment of further operation
district shall be submitted: provided, that
trict shall take advantage of the provision
act if there is any existing bonded indeb
at the time of the presentation of such pe
said board. [Amendment approved Ma
1897; Stats. 1897, ch. 178.]

Sec. 2. At such election the ballots us
have written or printed thereon the words
donment of operations—Yes," or "Abandon
operations—No" and if three-fifths of th
cast at such election shall be in favor
abandonment of operations, then and in th
the board of directors shall enter upon
cords the fact that said election has been h
that three-fifths of the electors of said
voting at said election have voted at said
to abandon further operations by the distr
thereafter no further moneys shall be exp
indebtedness incurred or created or prop
quired by said district for the construction
pletion of any system of irrigation works
taxes or assessments shall thereafter be l
collected by or in said district for the pu
the further construction or completion
work, and no bonds of said district sha
thereafter be issued or sold or otherwise
of; and any lands which may have been
in by the district for delinquent assessme
the title to which still remains in the distr
revert to the owner thereof at the time
sale; provided all assessments for the

he said lands were sold, be paid
of the district within thirty days
o abandon further operations by
The question of abandoning
y irrigation district shall not be
ote of the people of such district
e in two years.
ard of directors of said district
pose of all the property of said
after such vote to abandon fur-
as it can be done without sacri-
l property; but no property shall
notice to the creditors of such dis-
ment in such newspapers as will
roposed sale to the notice of the
newspapers to be designated by
tors, and such notice to be given
mail when possible. Such notice
property offered for sale, and fix
e where offers or bids for such
received, and such notice shall be
than four weeks prior to the time
iving such offers or bids. No
by the district for delinquent as-
be sold until thirty days after
ndon further operations. The ti-
property of said district sold by
not vest in the purchaser thereof
ch sale shall have been given by
blication thereof for four succes-
wspaper published in each of the
any of the lands of said district
if there is any such county in
per is published, then by posting
ree or more conspicuous places in
within such district. Said notice
escription of the property sold, the
terms of sale, and fix a time and
l district for hearing any objec-
be made to such sale by any one
id district. Any such objection
writing with such board or the
at any time after publication of
rior to the day set for such hear-
objections are filed, or if no in-
said property be made as here-
the board shall confirm said sale

and execute a conveyance of the property
the purchaser thereof. Such conveyance s
be executed until the purchase price shal
been paid in full in cash, and sales of p
property shall be for cash only, but sales
property may be for part cash and part d
payments bearing interest at the legal ra
In case of part deferred payments said boa
rectors may, on receipt of the cash payme
cute an agreement for a conveyance of sa
erty whenever the purchase price theree
have been paid in full according to the t
sale. If any objections be filed to such
hereinbefore provided, said board may vac
refuse to confirm said sale; and if objection
to be so made by a majority of the taxpa
said district whose names appear on the l
ceding assessment roll thereof, said boar
vacate and refuse to confirm said sale.
person shall at or prior to said hearing mak
with the said board or the secretary th
written offer to pay for said property at l
per cent more than the price named in sai
of sale, accompanied by a certified check
per cent of the price so offered, then sai
shall confirm said sale to such increased
and if more than one such increased bi
ceived, then to the person offering the
amount. The sale of any of the real pro
said district by said board of directors, as
before provided, shall not affect or impair
of any outstanding bonds of said distri
such real property. Such sale shall only b
interest of said district in such property,
to the lien thereon of any bonded indebted
said district.

Sec. 4. The board of directors of said
shall apply all moneys of said district on
the time of such vote to abandon further
tions, or thereafter realized from the sal
property thereof, after payment of the le
necessary expenses of the district, salarie
officers, necessary incidental expenses,
crued interest on the legally incurred ar
dde existing debt of said district, to the p
of any outstanding indebtedness of said
then due, and any moneys thereafter re

ately applied to the redemption of
bonded indebtedness of said dis-
d in the manner provided in sec-
of said Wright law.
bligations of irrigation districts
ed to abandon further operations
ed by the same laws as apply to
er irrigation districts, and to the
though said vote to abandon fur-
had never been taken, and shall
charged in the same manner and
laws as the obligations of other
ts which have not voted to aban-
rations are paid and discharged;
erning the affairs of irrigation dis-
s state shall apply to and govern
ts which have voted to abandon
ns, to the same extent as though
ver been taken, except where it is
ssly provided in this act.
ever all the property of such irri-
shall have been disposed of, and
ness and obligations thereof, if any
ng the bonds and all accrued inter-
ll have been paid and discharged,
shall have expired after such
further operations, the directors
shall file in the superior court of
ein the lands of said district or a
are situated, a petition setting
that the electors of said district
bandon further operations by the
ired by this act, and that all the
district has been disposed of, and
ness and obligations, if any there
including the bonds and all ac-
thereon, have been paid and
d praying that a decree be
ered by said court disorgan-
trict. On the entry of such
oard and all the officers of
all deliver over to the clerk of
ooks, papers, records, and docu-
to said district, or in their pos-
r their control as officers thereof,
er of the district shall pay over to
the county wherein said petition

is filed any balance of moneys of said dis
maining in his hands, and each assessme
in said district shall be entitled to recei
proportion thereof as he shall have contri
the total amount of assessments collected
district.

Sec. 7. Upon the filing of said petition
clerk of said superior court, the judge there
make an order directing that any person in
in said irrigation district may, at a time a
specified, not less than eight nor more tha
weeks from the time of making such or
pear and show cause, if any there be, w
cree of said court should not be made dis
ing said irrigation district. A copy of sa
shall be published at least three successiv
before the time appointed for the hearing
petition in a newspaper to be designated
court, in each of the counties in which an
lands of said district are situated; or if
any such county in which no newspaper is
ed, then in a newspaper published in an a
county, to be designated by the court.
davit of the proprietor, foreman, or chief
any newspaper in which such notice is p
shall be competent proof of such publica

Sec. 8. At or before the time set for t
ing of said petition, any person may sho
if any he have, why the said petition sh
be granted, and may then and there join
law or fact, or both, upon said petitio
proceeding shall be governed by the ru
erning civil actions. If upon the hearing
petition by said superior court the afores
required to be alleged in said petition ar
by competent evidence, it shall be the dut
superior court to make findings in accorda
such allegations and proof, and to enter
ment and decree disorganizing said irriga
trict. The petition, order fixing time and
hearing same, with proof of the publicati
of, objections thereto, if any, findings, an
of disorganization shall constitute the j
roll in said proceeding; and from the judg
appeal may be taken to the supreme court
a judgment of the superior court in civil
Said decree of disorganization shall be
the office of the county clerk, and record

ıty recorder of each of the coun-
of the lands of said irrigation
ıted.
t shall take effect immediately.

e for the leasing and disposition
generation of power for mechan-
by irrigation districts organized
ınized under and pursuant to an
An act to provide for the organi-
overnment of irrigation districts,
e for the acquisition of water and
y, and for the distribution of
y for irrigation purposes," ap-
7, 1887.

ch 23, 1893; Stats. 1893, p. 295.]

enever any irrigation district
formed, under and pursuant to
an act entitled "An act to pro-
ınization and government of irri-
ınd to provide for the acquisition
er property, and for the distribu-
reby for irrigation purposes," ap-
eventh, eighteen hundred and
the development of its works, as
ded, may have opportunity, with-
penditure, to utilize the water by
ıtrolled for mechanical purposes
with the provisions of said act,
ectors may lease the same, as in
fter provided.
ver the board of directors may
he use of water, as hereinbefore
ll pass a resolution of intention
ame. Immediately thereafter the
ause notice of such intention to
blication in one newspaper pub-
ınty in which lands of the district
at least twenty days (provided, a
blished therein, otherwise in any
oard of directors may select), and
ers as may be deemed advisable,
for the leasing of said water for
reinbefore mentioned. Said no-

tice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Sec. 3. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Sec. 4. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall be payable semi-annually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this act provided, shall be paid into the treasury, and be used in the manner provided in section thirty-four of said act, except that the period of ten years, as mentioned in said section thirty-four, shall not be applicable to the provisions of this act; provided, however, that if any coupons of any outstanding bonds of such district are at any time due and payable, and there shall for any reason not be sufficient funds in the interest fund to pay the same, the proceeds so collected, as in this act provided, may be used to pay the same.

Sec. 5. The board shall have power, as in this act provided, to execute a lease for any period not exceeding fifty years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Sec. 6. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond for the payment of the rental, and proper performance of the said lease, or give such other evidence of good faith as in their judgment may be necessary.

Sec. 7. This act shall take effect immediately

TITLE 137.

ESE GOVERNMENT.

n appropriation for reimbursing government for moneys expend-radition of Calvin Pratt, a fugi- justice of this state, and to pro-smitting the same to Japan.

ch 31, 1891; Stats. 1891, p. 222.]

he act appears from the title.

TITLE 138.

ES OF THE PLAINS.

ode, sec. 19, continued in force n to judges of the plains.

be found in Deering's Annotated 599-601.

TITLE 139.

JUDGMENTS.

g how judgments which may be inst any city and county of over housand population shall be paid.

March 26, 1895; Stats. 1895, chap. clix.]

he State of California, represent-assembly, do enact as follows:

existing judgments against any over one hundred thousand pop-aid by the treasurer of such city f the or any general fund there-e shall have been audited by the officer, board, or other auditing and it is hereby made the duty

of the board of supervisors and mayo
city and county to include in the tax lev
fiscal year a sum sufficient to pay exist
ments.

Sec. 2. This act shall take effect and b
immediately after its passage.

TITLE 140.

JUSTICES OF THE PEACE.

Acts relating to: See Code of Civil P
Appendix, title, Justices of the Peace,
seq.

TITLE 141.

JUTE GOODS.

Jute factory at the state's prison: S
Code, title, State's Prisons, pp. 686, 68

An act fixing the price and conditions
which jute goods shall be sold by th

[Approved February 27, 1893; Stats. 18

The object of the act appears from t

TITLE 142.

KERN COUNTY.

A reference to local acts relating
county is contained in Deering's Annots
Code, p. 601.

TITLE 143.

KINGS COUNTY.

the county of Kings, to define the
hereof, to fix the county seat
to provide for its organization and
ficers, and to classify said county.
approved March 22, 1893; Stats.

TITLE 144.

LAMATH COUNTY.

o special acts relating to can be
g's Annotated Penal Code, p. 601.

ollowing acts:

ex the territory comprised in the
nty of Klamath to the counties of
nd Siskiyou.
March 28, 1874; 1873-4, 755.]

tory of and supplementary to the
t of March twenty-eight, eighteen
l seventy-four.
March 31, 1876; 1875-6, 603.]

TITLE 145.

BOR STATISTICS.

llowing acts:

lish and support a bureau of labor
Statistics.
d March 3, 1883; 1883, 27.]
amended February 8, 1889, Stats.

An act to appropriate money for the s
the bureau of labor statistics.

[Approved March 5, 1885; 1885, 2

This act appropriated one thousand si
and fifteen dollars.

TITLE 146.

LAKE COUNTY.

A reference to special acts relating
county is contained in Deering's Annots
Code, pp. 604, 605.

TITLE 147.

LAKE TAHOE.

Consult the following acts:

An act to create the office of Lake Tah
road commissioner, providing the
office and compensation of such com
defining his duties, and making an
tion for the salary and expenditures
for and authorized by this act.

[Stat. approved April 1, 1897; Stats. 1
ccxlv; amended in 1899; Stats. 1899, c

An act to authorize the state of Califo
cure the title to and right of way fo
tain wagon-road situated in El Dora
commencing a short distance easterl
village of Smith's Flat, in said co
running thence to Lake Tahoe, and
for the appointment, duties, and com
of a person, to be known as and
"Lake Tahoe Wagon-road Commissi
to make an appropriation, for the
carrying into effect the provisions of

[Approved March 26, 1895; Stats. 189

TITLE 148.

ANDS OF STATE.

Lands; Settlers; State Lands.

o the legislation on this subject is eering's Annotated Penal Code, p.

TITLE 149.

LARCENY.

to: See Penal Code, Appendix, title .

TITLE 150.

LASSEN COUNTY.

cts relating to Lassen county are Deering's Annotated Penal Code, 4.

TITLE 151.

LEGAL TENDER.

ion to the currency of the United States.

rch 12, 1880; 1880, 8 (Ban. ed. 28)]

otes to be received at par.

ll legal tender notes heretofore is- may hereafter be issued, by the the United States of America, as es, shall be received at par in pay- xes due or to become due to this y county or municipal corporation ch notes shall be a legal tender for and demands between citizens of

Sec. 2. All acts, and the provisions of any a
or parts of acts, conflicting with this act are her
by repealed.

Sec. 3. This act shall take effect and be in for
from and after its passage.

TITLE 152.

LEGISLATION.

An act for the creation of a commission for t
promotion of uniformity of legislation in t
United States, and to appropriate money for
expenses.

[Stat. Approved, March 9, 1897; Stats. 1897; cha
lxxx.]

The people of the state of California, represent
in senate and assembly, do enact as follows

Section 1. Within thirty days after the passa
of this act the governor shall appoint three co
missioners, who are hereby constituted a board
commissioners by the name and style of "Comm
sioners for the promotion of Uniformity of Leg
lation in the United States." It shall be the d
of said board to examine the subjects of marri
and divorce, insolvency, the form of notarial c
tificates, descent and distribution of property,
knowledgment of deeds, execution, and prob
of wills, and other subjects, to ascertain the b
means to effect an assimilation and uniformity
the laws of the states, and to represent the st
of California in conventions of like commissi
to consider and draft uniform laws to be subm
ted for the approval and adoption of the seve
states; and to devise and recommend such ot
course of action as shall best accomplish the p
pose of this act.

Sec. 2. That said commission shall be allow
for their traveling and other expenses in effect
ing the object of this act, a sum not exceeding
hundred dollars in the aggregate for any one y

Sec. 3. The sum of one thousand dollars is h
by appropriated for the expenses of said comm

moneys not otherwise appropri-

t shall take effect from and after

TITLE 153.

LATIVE DISTRICTS.

the state into legislative districts, y section six, article four, of the and to provide for the election of and senators in such districts. rch 11, 1891; Stats. 1891, p. 71.] tutes of 1891 for the act.

TITLE 154.

VEE DISTRICTS.

ory of and supplementary to an An act to define the boundary and the government of levee district of Sutter county," passed March elation to the election of officers ict, funding the floating debt, and e funded debt thereof.

approved March 23, 1893, Stats. was also amended March 27, 1895, 6.

ed "An act to provide for the or- government of levee districts cre- tection of lands from overflow of ing streams of water, and to con- running streams to a fixed chan- March 10, 1891, containing sections aled March 9, 1893, Stats. 1893, p.

An act providing for appeals from order
board of supervisors forming or ref
form reclamation or swamp-land distri
ting off lands from such districts, or i
lands in such districts, or conso
swamp-land or reclamation districts.

[Approved March 11, 1893; Stats. 1893, p

Section 1. Any person having an inte
fected by any order of the board of sup
of any county, approving or refusing to
any petition for the formation of a rec
or swamp-land reclamation district,
any manner creating or consolidatin
districts, or including in or excluding fr
district, any lands, may, within thirty da
said order is made, appeal therefrom to t
rior court of the county.

Sec. 2. Such appeal shall be taken and
ed in the manner prescribed by law and
of said superior court relating to appeals
ferior courts, and the matter shall be tri
in said superior court. The judgment ren
the superior court in such matter shall
Each superior court held in any county
state in which there are any rec
or swamp-land reclamation district
make rules regulating appeals in th
hereinbefore mentioned; and the clerk of t
of supervisors shall, upon a notice of ap
undertaking on appeal being filed with hi
mit the same, and all papers and docume
on the hearing before said board, to the
the superior court in and for said cou
shall thereupon file the same without
any fee therefor.

Sec. 3. This act shall take effect and be
from and after its passage.

Sec. 4. All acts and parts of acts in
with the provisions of this act are hereby

An act to provide for funding the indebte
levee district number six, of Sutter
and to provide for the payment of su
ed debt.

This act was approved March 21, 1891,
be found in Statutes 1891, p. 235.

ne the boundary and provide for the
t of levee district number six, of
nty. California.

[arch 31, 1891; Stats. 1891, p. 237.]

approved March 31, 1891, and will
e statutes of 1891, p. 237.

ing for the payment of all moneys
e treasury to the credit of swamp
ct funds to the treasuries of the
herein the said swamp-land districts
ed, and to provide for the control
e by the auditor and treasurer of
es, and prescribing the duties of the
nd treasurer in relation thereto.

[arch 31, 1891; Stats. 1891, p. 243.]

of the act appears from the title.

vide for the funding and refunding
btedness of levee and protection dis-

ved April 1, 1897; Stats. 1897; chap.
cclxvi.]

f the state of California, represent-
e and assembly, do enact as follows:

The board of directors or trustees or
protection district having an out-
btedness of not less than twenty
rs, evidenced by bonds or warrants
t, by a vote of two-thirds of all the
eof, are empowered, if they deem it
nterest of such district to fund and
me, or any part thereof, and issue
district therefor, in sums of not less
ndred dollars nor more than one
lars each, having not more than
to run, and bearing a rate of
ceeding seven per cent per annum,
annually, which bonds shall be sub-
he following form:

Name of district), in the county of
California, for value received, prom-
——, or order, at the office of the
aid district, in ——, California, on

or before the first day of ——, 19—, the s
dollars, in gold coin of the United States,
terest at the rate of —— per cent per ann
able at the office of said treasurer semi-
on the first day of —— and —— in each
presentation and surrender of the interest
hereto attached. This bond is issued by t
of —— of said district in conformity with
tion of said board, dated the —— day of —
een hundred and ——, and under authorit
red upon said board by the provisions of
the legislature of California, entitled "A
provide for the funding and refunding o
debtedness of levee and protection distr
proved (insert date of approval of the act)
In testimony whereof, the said distric
board of ——, has caused this bond to be
the chairman of said board, and attested
auditor of —— county, with his seal of
tached, this ——day of ——, 18—.

——
Chairman of said
Attest: ———, Auditor of ——county.
And the interest coupons shall be in th
ing form:
The treasurer of (name of district) wi
the holder hereof, on the —— day of —
his office in ——, —— dollars, gold coin,
est on bond of said district numbered —
Sec. 2. Bonds issued under this act
numbered consecutively, signed by the
of the board of directors, or trustees, as
may be, and delivered to the auditor of t
in which the levee or protection district
ed, who shall countersign the same and a
to his official seal, and shall by him be de
the treasurer of the district, who shall
such auditor his receipt therefor, and s
urer shall stand charged on his official b
all bonds delivered to him and the proce
of, and he shall sell the same or excha
under the direction of the board of di
trustees of such levee or protection distr
best available terms, for any legal ind
of such district, but in neither case for s
than the face value of the bonds and a
accrued thereon at the date of such sa

ıy portion of such bonds are sold
proceeds thereof shall be applied
e payment of liabilities existing
ct at the date last above named.
exchanged for bonds or warrants
idences of district indebtedness,
ll at once cancel such evidences
oy indorsing thereon the amount
were received, the word "can-
te of cancellation. He shall keep
nds sold or exchanged by him, by
sale, amount, date of maturity,
t office address of the purchasers,
d, what evidence of indebtedness
refor, which record shall be open
public inspection. No such bond
exchanged for any indebtedness
cept by the approval of the board
ustees thereof.

ard of directors or trustees shall
sed and levied each year upon the
rty of the district, in addition to
ed for other purposes, a sufficient
nterest on outstanding bonds, is-
y with the provisions of this act,
the next annual levy, and such
principal, that at the end of five
ised from such levies shall equal
per cent of the amount of bonds
nd of nine years at least forty
amount, and at and before the
of the bonds shall be equal to the
f the principal, and the money
h levies shall be known as the
shall be used for the payment of
st coupons, and for no other pur-
nd the treasurer shall open and
s a separate and special account
t all times shall show the exact
bond fund.

ver there shall be in the bond fund
a surplus of five hundred dollars or
bove the interest maturing before
e treasurer shall give notice for
e or more newspapers of general
ed and published in the county
district is situated, stating the
urplus, and that on the day and

hour named in such notice, sealed proposals wi
be received at his office for the surrender of bon
of the district, and shall at the time and pla
named open the proposals and accept the lowe
bid; provided, that no bid shall be accepted for
amount exceeding the par value of such bon
with accrued interest; if bids are not offered
par, or less, sufficient to exhaust the amount
hand applicable to redemption, the treasurer sh
publish for the same time and in the same mann
a notice that he will redeem a bond or bonds
said district, giving the number or numbers the
of, and that if not presented for redemption wi
in thirty days after the date of the first publi
tion of such notice, the interest thereon will ce
and the amount due thereon will be set aside
the payment of such bond or bonds whenever p
sented. If any such bond be not so presented,
terest thereon shall cease, and the amount
thereon shall be set aside as specified in said
tice. All redemption of bonds other than th
voluntarily surrendered shall be made in the
act order of their issuance, beginning with
lowest or first number.

Sec. 5. This act shall take effect immediate

TITLE 155.

LIBEL.

Acts relating to: See Code of Civil Proced
appendix, title Libel, p. 861.

TITLE 156.

LIBRARIES AND READING-ROOMS.

An act to establish free public libraries and
ing-rooms.

[Approved April 26, 1880; 1880, 231 (Ban. ed. 5

Consult the statutes of 1880 for the act.

TITLE 157.

BRARIES, LAW.

lowing acts:

court library: See Pol. Code, sec.

ıblish Law Libraries; approved
Stats. 1891, p. 430.
y of this act passed March 12,
p. 46.
ancisco, Law, act relating to: See

TITLE 158.

ENSE COLLECTOR.

ng the payment of salaries by
ervisors to persons who have
d to collect county licenses,
all payments heretofore made
ns.

March 27, 1895; Stats. 1895, chap.
ccvi.

e state of California, represented
assembly, do enact as follows:
t the board of supervisors of any
such board has appointed persons
unty license, are hereby empow-
d to pay to any person so ap-
have actually performed services
h licenses, the amount agreed
tion for such services at the time
ent; provided, that no such pay-
ade for services rendered after
is act.
s of such board in making such
payment made by them for ser-
rendered in the collection of such
eby approved and legalized.
t shall take effect and be in force
ts passage.

TITLE 159.

LICENSES.

An act to prohibit the issuance of licenses not eligible to become electors of of California.

[Approved April 12, 1880; Stats. 1880,

See ante, title, Aliens.

TITLE 160.

LIENS.

Acts relating to: See Civil Code, Appen Liens, p. 795 et seq.

Act to secure lien on live stock, kept, fe tured by ranchmen and stable keepers; S 70, p. 723, was not repealed by the codes v. Perry, 53 Cal. 351.

TITLE 161.

LIGHTHOUSES.

An act concerning submarine sites for li and other aids to navigation on the this state.

[Approved March 26, 1874; 1873-4,

Sites for beacons, etc.

Section 1. Whenever the United Sta to acquire title to land belonging to and covered by the navigable w the United States, within the limits for the site of lighthouse, beacon, aid to navigation, and application by a duly authorized agent of the Unit describing the site required for one of poses aforesaid, then the governor of th authorized and empowered to convey th the United States, and to cede to the sa

ction over the same; provided, no all contain more than ten acres, and shall retain concurrent jurisdiction l process, civil or criminal, issuing hority of the state, may be executed officers thereof, upon any person enable to the same, within the limits ed, in like manner and to like effect had never been passed.
act shall take effect immediately.

TITLE 162.

LIQUOR.

to the provisions of the Penal Code he sale of liquors, secs. 299-307, sev- re in force.

to these acts is contained in Deer- d Penal Code, p. 616.

TITLE 163.

LODGING HOUSES.

to: See Civil Code, Appendix, title, es, p. 801; Penal Code, Appendix, ti- louses, p. 583.

TITLE 164.

LOGS.

olish a scale for the measurement of logs.
d March 28, 1878; 1877-8, 604.]

TITLE 165.

S ANGELES COUNTY.

to local acts affecting Los Angeles ined in Deering's Annotated Penal t seq.

TITLE 166.

LOST WARRANTS.

An act to provide for the payment of the contro
of state's warrants which have been lost or
stroyed previous to payment by the st
treasurer.

[Approved March 31, 1891; Stats. 1891, p. 2

Section 1. Whenever any warrant legally dra
by the controller of state shall have been
or destroyed before the same has been p
by the state treasurer, the amount due ther
may be recovered by the legal owner or custod
thereof, by filing with the controller of state
First. An affidavit setting forth the fact of
loss or destruction of such state warrant, gi
the number, date, amount, and name of
payee, together with all material facts relativ
the loss or destruction of the same.
Second. A bond of indemnity, with two
and sufficient sureties, in double the amoun
the face of the particular warrant, which
shall be referred to the attorney general and
troller of state for approval or rejection.
Sec. 2. It shall be the duty of the attorney
eral and of the controller of state to examine
pass upon the sufficiency of the said bond,
to approve or reject the same, within thirty
after it shall have been filed with the contr
of state.
Sec. 3. After the filing of the approved b
the controller of state is hereby authorized an
rected to issue and deliver to the legal owne
claimant, on demand, a duplicate warrant for
full amount of the original warrant, and the t
urer of state is hereby authorized and directe
pay the duplicate, in lieu of the original war
Sec. 4. The controller and treasurer shall
make the proper entries on their books, sho
such warrants to have been lost or destroyed,
the issuance of duplicate warrants in lieu the

TITLE 167.

BER MANUFACTURERS.

g to: See Penal Code, Appendix, ti-
Manufacturers, p. 584.

TITLE 168.

MADERA COUNTY.

ate the county of Madera, to define
aries thereof, to determine the coun-
d to provide for its organization and
officers, and to classify said county.
March 11, 1893; Stats. 1893, p. 168.]
statutes of 1893 for the act.

TITLE 169.

NUFACTURED GOODS.

g to: See Penal Code, Appendix, title,
Goods, p. 585.

TITLE 170.

MAPS.

ring the recording of maps of cities,
ditions to cities or towns, or subdi-
lands into small lots or tracts for
ses of sale, and providing a penalty
lling or offering for sale any lots or
cities, towns, additions to cities,
bdivsions, or additions thereto, be-
maps are filed and recorded.
March 9, 1893; Stats. 1893, p. 96.]
Whenever any city, town, or subdi-
into lots, or any addition to any city,
h subdivision, shall be laid out into
urposes of sale, the proprietor or pro-

prietors thereof shall cause to be made out a
curate map or plat thereof, particularly se
forth and describing,—

First. All the parcels of ground within
city, town, addition, or subdivision reserved
public purposes, by their boundaries, courses,
extent, whether they be intended for ave
streets, lanes, alleys, courts, commons, or
public uses; and,

Second. All lots intended for sale, eithe
number or letter, and their precise length
width.

Sec. 2. Such map or plat shall be acknowle
by the proprietor, or if any incorporated co
ny, by the chief officer thereof, before some o
authorized by law to take the acknowledgme
conveyances of real estate.

Sec. 3. The map or plat so made, ack
edged, and certified shall be filed in the offi
the county recorder of the county in whic
city, town, addition, or subdivision is situa

Sec. 4. Every person who sells or offers fo
any lot within any city, town, subdivision, o
dition, before the map or plat thereof is mad
acknowledged, filed, as herein provided, is
of a misdemeanor, and upon conviction th
shall be punished by a fine of not less than
ty-five dollars and not more than five hundre
lars, or by imprisonment in the county jail
exceed six months, or both such fine and i
onment.

TITLE 171.

MARIN COUNTY.

A reference to local acts affecting Marin c
is contained in Deering's Annotated Penal
p. 622, et seq.

TITLE 172.

MARIPOSA COUNTY.

A reference to the local acts relating to
posa county is contained in Deering's Anno
Penal Code, p. 624.

TITLE 173.

RKS AND BRANDS.

w in force in relation to marks and found in the Political Code, sec. to one county, however, there is cal law, continued in force by the ec. 19, subd. 11, which may be re- s place, as follows: An act con- nd brands in the county of Siski- larch 20, 1866; 1865-6, 332.

TITLE 174.

RSHALL MONUMENT.

de for the appointment of a guar- Marshall monument and grounds, his duties, and appropriating for.

rch 31, 1891; Stats. 1891, p. 424.]

TITLE 175.

TER AND SERVANT.

t wages, salaries, and fees: Penal , title, Master and Servant, p. 586.

TITLE 176.

HANICS' INSTITUTE.

to: See Civil Code, Appendix, title, itute, p. 737.

TITLE 177.

MEDICINE.

An act to regulate the practice of medicine in state of California.

[Approved April 3, 1876; 1875-6, 792. See supplemental act, post.]

Persons practicing medicine and surgery to sent diploma to board.

Section 1. Every person in this state practicing medicine or surgery, in any of its departments shall possess the qualifications required by this act. Every such person shall present his diploma to one of the boards of examiners hereinafter named, together with the affidavit mentioned in section three (3) of this act. If the board shall find all the facts required to be stated in said affidavit to be true, the board of examiners shall issue its certificate to that effect, signed by a majority of the members thereof, and sealed with the seal of the board, and such certificate shall be conclusive as to the right of the person named therein to practice medicine and surgery in any part of the state. [Amendment became a law and took effect April 1, 1878; 1877-8, 918.]

Board of examiners appointed by what.

Sec. 2. The Medical Society of the State of California, the Eclectic Medical Society of the State of California, and the California State Homœopathic Medical Society, corporations organized and existing under and by virtue of the laws of this state, and no other corporation, society, person or person, shall appoint annually a board of examiners, consisting of seven members, who shall hold their office for one year and until their successors shall be chosen. The examiners so appointed shall go before a district or county judge and make oath that they are regular graduates and that they will faithfully perform the duties of their office. Vacancies occurring in a board of examiners shall be filled by the society appointing by the selection of alternates, or otherwise. The board of examiners now organized, or existing

ue of their appointments by the
es, shall continue to act as such
ir successors are appointed at the
tion. [Amendment became a law
April 1, 1878; 1877-8, 918.]

ies of examiners.

oard of examiners shall organize
aths after the passage of this act.
ure a seal, and shall receive,
secretary, applications for certif-
inations. The president of each
e authority to administer oaths,
ke testimony in all meetings relat-
ies. They shall issue certificates
h satisfactory proof of having re-
or licenses from legally chartered
ons in good standing. They shall
ns of certificates, one for persons
diplomas or licenses, the other for
nined by the board. They shall
ounty clerks of the several coun-
persons receiving certificates. In
to hold their meetings, they shall,
sonable, accommodate applicants
rent sections of the state, and due
published of all their meetings.
be signed by all the members of
ing them, and shall indicate the
to which the examining board is

ne diplomas.

oard of examiners shall examine
heir genuineness, and if the diplo-
d genuine, as represented, the sec-
oard of examiners shall receive a
rs from each graduate or licentiate,
harge shall be made to the appli-
be found to be fraudulent, or not
by the possessor, the board shall
arge and collect twenty dollars of
esenting such diploma. The appli-
mpany his diploma with an affi-
at he is the lawful possessor of
he is the person therein named,
a was procured in the regular
al instruction, and without fraud

or misrepresentation of any kind, and
medical institution granting the diplom
the time of the granting the same, a full
medical instructors, and was at the sa
legally incorporated institution, actual
good faith engaged in the business o
education, and in good standing as a m
stitution, and that the applicant had
with all the requirements of said i
Such affidavit may be taken before any
thorized to administer oaths, and the s
be attested under the hand and officia
such officer, if he have a seal. In additio
affidavit, the board of examiners may
further testimony as in their discretion
deem proper to hear, as to the verificati
such diploma, or as to the identity of t
named therein, or as to the manner in v
such diploma was procured, and if it s
pear from such testimony that any fact
said affidavit is untrue, the application
person for a certificate shall be rejected.
said boards shall entertain an applicati
has been rejected by another of said bo
shall any rejected application be renewe
least one year after the action of the
jecting the same. [Amendment became
took effect April 1, 1878; 1877-8, 918.]

Examination of applicants.

Sec. 5. All examinations of persons
uates or licentiates shall be made direct
board, and the certificates given by th
shall authorize the possessor to practice
and surgery in the state of California; b
amination into the qualifications of pe
holding diplomas or licenses shall be m
the thirty-first day of December, eighteen
and seventy-six. After that date no c
shall be granted by them, except to per
senting diplomas or licenses from legally
ed medical institutions in good standing

Certificates to be recorded.

Sec. 6. Every person holding a certifi
a board of examiners shall have it record
office of the clerk of the county in whi
sides, and the record shall be indorsed

ving to another county to prac-
e an indorsement to that effect
from the county clerk, and shall
ate in like manner in the county
oves, and the holder of the cer-
to the county clerk the usual
the record.

ister.

unty clerk shall keep, in a book
purpose, a complete list of the
led by him, with the date of is-
ie of the medical society repre-
rd of examiners issuing them. If
based on a diploma or license, he
name of the medical institution
l the date when conferred. The
unty clerk shall be open to pub-
ring business hours.

ation.

ates for examination shall pay a
s in advance, which shall be re-
f a certificate be refused. The
the board shall be paid into the
medical society by which the
e been appointed, and the expenses
of the board shall be subject to
h the society.

nations may be in whole or in
nd shall be of an elementary and
er, but sufficiently strict to test
s of the candidate as a practi-

cates for unprofessional conduct.
oard of examiners must refuse
lividuals guilty of unprofessional
efore any such refusal, the ap-
cited by a citation signed by the
board, and sealed with its seal,
the board at a time and place
urpose of being heard as to such
nduct. Said citation shall notify
the time and place where and
of said unprofessional conduct
the particular unprofesional con-
the applicant is charged, and that

the applicant shall then and there app
son, and attended with such witnesses
on his behalf as he may desire, or defa
taken against him, and his application f
icate refused. The attendance of wi
such hearing shall be compelled by sul
sued by the secretary of the board und
and said secretary shall in no case refu
any such subpoena on a fee of fifty c
paid to him for each subpoena. Said cit
said subpoenas shall be served in accor
existing provisions of law as to the se
tations and subpoenas generally. At
ing witnesses shall be examined on the
board and on the part of the applican
fact of the applicant having been gu
conduct set out in the citation, and eithe
examine medical experts as to whether
duct is unprofessional; and if it app
satisfaction of the board that the applic
ty of said unprofessional conduct, no
shall be issued to him. But no applic
be refused on the ground of unprofes
duct unless the applicant has been guilt
fessional conduct within one year next
his application. If any holder of a ce
guilty of unprofessional conduct, his
must be revoked by the board granting
such revocation shall be valid without
being cited to appear, and the same proc
had as is hereinbefore provided in this
the case of refusal to grant a certifica
ever a certificate is revoked, the secret
board revoking the same shall certify th
der the seal of the board, to the county c
county in which the person whose cert
been revoked is at the time of said revoc
ticing his profession, and said clerk s
upon write on the margin, or across the
register of the certificate of such perso
of such revocation, signing his name th
shall file in his office said certificate
tion. Each of said boards may, from ti
adopt such rules as may be necessary to
ly conduct of all proceedings taken an
fore it. It shall be the duty of the se
the respective boards to notify the se
all other boards provided for under thi

whom licenses may have been re-
with the reasons of such refusal
. [Amendment became a law and
il 1, 1878; 1877-8, 919.]

dicine defined.

person shall be regarded as prac-
e, within the meaning of this act,
ess publicly to be a physician, or
ually prescribe for the sick, or who
his name the letters "M. D."; but
contained shall be construed to
ous services in cases of emergency.
id the act to which this act is sup-
mendatory, shall not apply to law-
ned surgeons of the United States
practicing their profession within
is state. [Amendment became a
fect April 1, 1878; 1877-8, 919.]

l on certain persons.

itinerant vendor who shall sell,
e, any drug, nostrum, ointment, or
y kind intended for the treatment
jury, or any person who shall, by
ing, or by any other method, pub-
cure or treat disease, injury, or
ny medicine, drug, or drugs, nos-
tion, or other expedient, shall pay
e hundred dollars a month. Such
e collected as other licenses are.
ecame a law and took effect April
919.]

olation.

person practicing medicine or
state without complying with the
is act shall be punished by a fine of
ty dollars ($50) nor more than five
($500), or by imprisonment in the
a period of not less than thirty
than three hundred and sixty-five
h such fine and imprisonment, for
offense. And any person filing, or
le, as his own, the diploma or cer-
her, or a forged affidavit of iden-
be guilty of a felony, and upon con-
subject to such fine and impris-
made and provided by the statutes
r the crime of forgery.

Sec. 14. This act shall take effect
after its passage, but the penalties sha
enforced till on and after the thirty-fir
December, eighteen hundred and seventy

An act supplemental to and amendato
act entitled "An act to regulate the p
medicine in the state of California,"
April 3, 1876.

[Became a law and took effect April 1, 1
8, 918.]

The first six sections consist of the a
to sections 1, 2, 4, 10, 11, and 12, of
named in the title, and above given. T
ing are supplemental sections:

Misdemeanor.

Sec. 7. Any person practicing medici
gery in this state without first having p
certificate to so practice from one of the
examiners appointed by one of the socie
tioned in section two of this act shall b
guilty of a misdemeanor, and shall be
the penalties provided in section thirte
act to which this act is amendatory a
mental, but no person who holds a
from one of such boards of examiner
holds a certificate heretofore granted by
of examiners heretofore existing by vir
pointment by the California State Medic
of Homeopathic Practitioners, shall be
to procure a new certificate. And all p
privileges of said boards of examiners,
act to which this act is supplemental a
atory, are hereby transferred to the boa
aminers created by this act.

Misdemeanor.

Sec. 8. Any person assuming to act
ber of a board of examiners, under this
der the act to which this act is supplem
amendatory, or who shall sign, or subsc
sue, or cause to be issued, or seal, or ca
sealed, a certificate authorizing any
practice medicine or surgery in this sta
the person so acting and doing be app

ieties mentioned in section two of
authorized so to do by a board of
ointed by one of said societies, shall
lty of a misdemeanor, and shall be
fine of not less than fifty dollars, or
nt in the county jail for a period of
hirty nor more than three hundred
days, or by both such fine and im-

cates made null.

ld either of the said boards issue
any person whose application for
as been previously rejected by an-
id boards within one year after the
d application, then in such case the
ed as aforesaid to said rejected ap-
e null and void and of no effect.

f applicants to practice medicine.

ny person not a graduate or licen-
ne has been unable to present him-
ation to any of said boards, as pro-
n one of this act, then and in such
e lawful for either of said boards,
shown why said person was unable
nt himself for examination, to ex-
rson touching his qualifications to
ne or surgery, and if said examina-
satisfactory to the board, it shall
e its certificate in accordance with
the lawful holder thereof shall be
the rights and privileges of grad-
ates to whom certificates have been
his act and the act to which this
ory and supplementary, but no such
hall be had after the expiration of
n the time this act shall take effect.
s act shall be in effect from and af-

An act to regulate the practice of
he city and county of San Fran-
l March 28, 1872; 1871-2, 681;
h 31, 1876; 1875-6, 583; was still
ed by act of March 30, 1878; 1877-8,
s. 1883, 93, the act of February 3,
the pharmacy act of 1872, was re-

An act to regulate medical practice to pr
blindness in infants.

[Stat. approved February 17, 1897; Stats.
chap. xiv.]

The people of the state of California, repres
in senate and assembly, do enact as foll

Section 1. Should one or both eyes of an
become reddened or inflamed at any time
two weeks after birth, it shall be the duty
midwife, nurse, or person having charge o
infant, to report the condition of the eyes a
to some legally qualified practitioner of me
of the city, town, or district in which the p
of the infant reside.

Sec. 2. Any failure to comply with the
ions of this act shall be punishable by a fi
to exceed one hundred dollars, or imprison
not to exceed six months, or both.

Sec. 3. This act shall take effect from and
its passage.

TITLE 178.

MENDOCINO COUNTY.

A reference to the local acts relating to M
cino county is contained in Deering's Ann
Code, p. 630, et seq.

TITLE 179.

MERCED COUNTY.

A reference to local acts affecting Merced
is contained in Deering's Annotated Penal
p. 632.

MEXICAN WAR.

See Veterans' Home Association.

TITLE 180.

LITARY ACADEMY.

ish arms for the use of military
ademies in the state.

ebruary 20, 1872; 1871-2, 121.]

ies—Majors.

at when a military academy has
l within the state, having not less
s, uniformed, drilled, and instruct-
rdance with the tactics of the reg-
ates army service, and all its
tion and economy conducted upon
principles, the military instructor
y, when regularly elected by the
s or other lawful authority of the
mmissioned in the national guard
ith the rank of major.

of arms, etc.

upon giving bond, with good se-
proved by the county judge of the
e academy is situated, conditioned
ping against fire, loss and against
twice the value, that arms and
the property of the state, be is-
e of such military academy.

djutant general of the state is
ed to issue such arms and accou-
y be needed by the said military
out a monthly allowance, in the
s arms and accouterments are is-
organized companies of the na-
California, upon requisition made
, approved by the commander-in-

ct shall take effect immediately.

TITLE 181.

MINERAL CABINET.

Consult the following acts:

An act to provide for the establishment of a
net department in the state library.
[Approved April 1, 1872; 1871-2, 824.]

An act making an appropriation for the ma
ment and protection of the state mineral
net under direction of the trustees there
[Approved March 11, 1889; 1889, 131.]

An act to provide for the removal of the m
cabinet from the state library.
[Approved March 9, 1887; 1887, 74.]

Act provided for appointment by goverr
three trustees to select place in the Crock
gallery for the mineral cabinet.

TITLE 182.

MINERALOGIST, STATE.

Consult the following acts:

An act making an appropriation for editir
manuscript of the state mineralogist fo
two years ending September 15, 1892.
[Approved March 11, 1893; Stats. 1893, p. 1

An act establishing a state mining bureau
providing for appointment of state miner
and repealing prior acts.
[Approved March 23, 1893; Stats. 1893, p. 2

The repealed acts are contained in the st
of 1880, p. 115, and 1885, p. 217, respectively.

TITLE 183.

NES AND MINING.

ts relating to mining, see Civil
. p. 802, et seq.
tant act relating to mining partner-
ned in the Statutes of 1865-6, p.
t been in terms repealed. As this
ted of in the Civil Code, section
nd as this act was included in the
ended to be repealed by the code
(Index to Laws of Cal., p. 711), it
in force.

for the protection of miners.

March 13, 1872; 1871-2, 413.]

iners.
shall not be lawful for any cor-
ciation, owner, or owners of any
claims within the state of Califor-
h corporation, association, owner,
loy twelve men daily, to sink down
or mines any perpendicular shaft
nd a depth from the surface of
feet without providing a second
from such mine, by shaft or tun-
with the main shaft at a depth of
ne hundred feet from the surface.

e.
all be the duty of each corporation,
ner, or owners of any quartz mine
s state, where it becomes necessary
ines beyond the depth of three hun-
where the number of men employed
nall be twelve or more, to proceed
shaft or construct a tunnel so as
h the main working-shaft of such
e of escape from underground acci-
wise. And all corporations, asso-
, or owners of mines as aforesaid,

working at a greater depth than three feet, not having any other mode of e from the main shaft, shall proceed as vided.

Liabilities.

Sec. 3. When any corporation, owner, or owners of any quartz mine in shall fail to provide for the proper egre in contemplated, and where any accide cur, or any miner working therein sha or injured, and from such injury migh caped if the second mode of egress h such corporation, association, owner of the mine where the injuries shall hav shall be liable to the person injured i ages that may accrue by reason there action at law in a court of competent j may be maintained against the owner of such mine, which owners shall be severally liable for such damages. death shall ensue from injuries receive negligence on the part of the owners reason of their failure to comply with provisions of this act, the heirs or relati ing the deceased may commence an act recovery of such damages as provided by titled an act requiring compensation f death by wrongful act, neglect, or d proved April twenty-sixth, eighteen hu sixty-two.

Sec. 4. This act shall take effect and six months from and after its passage.

An act for the protection of coal mine miners.

[Approved March 27, 1874; 1873-4,

Map.

Section 1. The owner or agent of mine shall make or cause to be made a map or plan of the workings of such co a scale of one hundred feet to the inch

Copies.

Sec. 2. A true copy of which map or be kept at the office of the owner or ow

the inspection of all persons, and
ch map or plan shall be kept at the
gent or other person having charge
pen to the inspection of the work-

ts.

owner or agent of every coal mine
t least two shafts, or slopes, or out-
by natural strata of not less than
nd fifty feet in breadth, by which
or outlets distinct means of ingress
e always available to the persons
e coal mine; provided, that if a new
r shaft will be required for the ad-
g, work upon the same shall com-
tely after the passage of this act,
ntil its final completion, with rea-
h.

owner or agent of every coal mine
nd establish for every such mine an
nt of ventilation, of not less than
feet per second of pure air, or
ndred feet per minute, for every
rk in such mine, and as much more
es may require, which shall be cir-
h to the face of each and every
throughout the entire mine, to di-
harmless and expel therefrom the
ous gases, to such an extent that
shall be in a fit state for men to
and be free from danger to the
s of the men by reason of said nox-
ious gases, and all workings shall
standing gas.

-Duties.

ecure the ventilation of every coal
de for the health and safety of the
therein, otherwise and in every re-
r, or agent, as the case may be, in
coal mine, shall employ a compe-
al inside overseer, who shall keep
h over the ventilating apparatus,
ys, the traveling ways, the pumps
timbering, to see as the miners ad-
xcavations that all loose coal, slate,
d is carefully secured against fall-

ing; over the arrangements for signalin
bottom to the top, and from the top to
of the shaft or slope, and all things
with and appertaining to the safety o
at work in the mine. He, or his assist
examine carefully the workings of all r
rating explosive gases, every morning
miners enter, and shall ascertain that
is free from danger, and the workmen
enter the mine until such examination
made and reported, and the cause of
any, be removed.

Sec. 6. The overseer shall see that t
machinery is kept constantly in repair
for use, to hoist the workmen in or
mine.

Owner.

Sec. 7. The word "owner" in this ac
ply to lessee as well.

Right of action.

Sec. 8. For any injury to person or p
casioned by any violation of this act, o
ful failure to comply with its provisions
action shall accrue to the party injured
rect damages he or she may have susta
by, before any court of competent juris

Liability.

Sec. 9. For any willful failure or neg
the part of the overseer of any coal mi
be liable to conviction of misdemeanor
ished according to law; provided, that i
ful failure or negligence is the cause o
of any person, the overseer, upon convi
be deemed guilty of manslaughter.

Boilers.

Sec. 10. All boilers used for genera
in and about coal mines shall be kept
der, and the owner or agent thereof
them examined and inspected, by a
boiler-maker, as often as once in three

Sec. 11. This act shall not apply to
new coal mine.

Sec. 12. This act shall take effect im

ide a state hospital and asylum for miners.

ed March 14, 1881; 1881, 81.]

te hospital for miners.
here shall be erected, as soon as
nay be, upon some suitable site, to
and obtained as is hereinafter pro-
hospital and asylum for the recep-
cal, and surgical treatment, and re-
injured, disabled, and aged miners,
e known as the "California State
al and Asylum."

w appointed.
governor shall nominate, and by
ivice and consent of the senate ap-
ons to serve as trustees of the said
o shall be a body politic and cor-
name and style of the "Trustees of
State Miners' Hospital Asylum,"
age and direct the concerns of the
d make all necessary by-laws and
d shall have power to receive, hold,
convey all real and personal prop-
to them by gift, devise, or other-
use of said institution, and shall
compensation. Of those first ap-
hall serve for two years, and three
; and at the expiration of the re-
each class thereafter shall be ap-
ir years. A vacancy in said board,
e, shall be filled by appointment by
or the unexpired term.

t, how appointed.
said trustees shall have charge of
erests of the institution; they shall
perintendent, who shall be a skill-
and surgeon, subject to removal or
oftener than in periods of ten years,
delity to the trust reposed in him,
tency.

trustees, by and with the consent
or, shall make such by-laws and
the government of the institution

as shall be necessary; they shall appoin
urer, who shall give bonds to the peo
state of California for the faithful discha
duties; and they shall fix the compensa
officers, assistants, and attaches, who ma
essary for the just and economical admi
of the affairs of said institution.

Charges for medical attendance.

Sec. 5. Indigent miners shall be ch
medical attendance, surgical operation
and nursing while residents in the hos
asylum, no more than the actual cost; p
tients, whose friends can pay their expe
who are not chargeable upon townships
ties, shall pay according to the terms d
the trustees.

Powers of boards of supervisors.

Sec. 6. The several boards of supe
counties, or any constituted authority in
having care and charge of any indigen
aged person or persons, if satisfactorily
them to have been miners, shall have au
send to the California State Miners' Ho
Asylum such persons, and they shall be
chargeable with the expenses of the car
nance, and treatment, and removal to
the hospital and asylum of such patient

Trustees to report.

Sec. 7. The trustees shall annually,
time as the governor may designate, repo
for transmission to the legislature, such
ment as he may require as to the mana
the said hospital and asylum.

Sec. 8. This act shall take effect imm

An act to establish a uniform system of
signals, to be used in all mines opera
state of California, and for the pro
miners.

[Approved March 8, 1893; Stats. 1893,

Section 1. Every person, company, co
or individual operating any mine within
of California—gold, silver, copper, lead

etal or substance where it is neces-
gnals by means of bell or otherwise
clines, drifts, crosscuts, tunnels, and
workings—shall, after the passage of
ot, use, and put in force the follow-
code of mine bell signals, as follows:
ist. (See Rule 2.)
op if in motion.
wer. (See Rule 2.)
n to be hoisted; run slow. (See Rule

t pump, if not running, or stop pump

tart or stop air compressor.
l down tools. (See Rule 4.)
l down timbers. (See Rule 4.)
dent; move bucket or cage by verbal

oreman wanted.
, done hoisting until called.
s, done hoisting for the day.
s, change buckets from ore to water,

s, ready to shoot in the shaft. (See

signal, that he is ready to hoist, is to
ket or cage two feet and lower it
Rule 3.)
l be designated and inserted in notice
entioned. (See Rule 5.)
the purpose of enforcing and prop-
nding the above code of signals, the
s are hereby established:
giving signals make strokes on bell
tervals. The bar (—) must take th
for one stroke of the bell, and no
nber, tools, the foreman, bucket, or
ated to stop at any level in the mine,
nber of strokes on the bell, the num-
vel first before giving the signal for
etc. Time between signals to be
— —). Examples:
would mean stop at sixth level with

—1— —1, would mean stop at fourth
, hoist.

2— —1—4, would mean stop at second l
foreman.

Rule 2. No person must get off or on t
or cage while the same is in motion. W
are to be hoisted, give the signal for m
must then get on bucket or cage, then
signal to hoist. Bell cord must be in rea
on the bucket or cage at stations.

Rule 3. After signal "Ready to shoot
engineer must give his signal when he is
hoist. Miners must then give the signa
to be hoisted," then "spit fuse," get into
et, and give the signal to hoist.

Rule 4. All timbers, tools, etc., "longe
depth of the bucket," to be hoisted or
must be securely lashed at the upper e
cable. Miners must know they will r
down the shaft without catching on roc
bers, and be thrown out.

Rule 5. The foreman will see that or
sheet of these signals and rules for each
one for the engine-room are attached t
not less than twelve inches wide by
inches long, and securely fasten the
where signals can be easily read at t
above stated.

Rule 6. The above signals and rules
obeyed. Any violation will be sufficien
for discharging the party or parties so
person, company, corporation, or individ
ating any mine within the state of Califo
be responsible for accidents that may
men disobeying the above rules and sig
notice and rules shall be signed by the
superintendent having charge of the
shall designate the name of the corporat
owner of the mine.

Sec. 3. Any person or company failin
out any of the provisions of this act s
sponsible for all damages arising to or i
any person working in said mine durin
of such failure.

Sec. 4. This act shall take effect im

vide for the appointment, duties, and
tion of a debris commissioner, and to
appropriation to be expended under
ions in the discharge of his duties as
missioner.

March 24, 1893; Stats. 1893, p. 339.]

he governor of the state of California
before the first day of January, one
ht hundred and ninety-eight, appoint
civil engineer for a period of four
o be known as and called the debris
; provided, however, that the debris
heretofore appointed under the ac
act to provide for the appointment,
mpensation of a debris commissioner,
an appropriation to be expended un-
ions in the discharge of his duties as
ssioner," approved March twenty-
een hundred and ninety-three, shall
perform the duties, and receive the
of that office, subject to the provis-
act, until the expiration of the term
was appointed and until the appoint-
alification of the debris commissioner
by this act. [Amendment approved
97; Stats. 1897, chap. cxiii. In effect

d commissioner shall receive a com-
ten dollars per day while actually en-
discharge of his duties, and his nec-
ing expenses, to be allowed by the
f examiners. [Amendment approved
97; Stats. 1897, chap. cxiii. In effect

shall be the duty of the said debris
to consult and advise with the mem-
rps of engineers of the United States
ing the California debris commissior
ct of congress approved March first,
ired and ninety-three), in relation to
ion of works for the restraining and
f debris resulting from mining opera-
erosion, or other causes; and it

shall be his duty to examine such works, an
report the result of such examination to the
board of examiners. Said debris commission
further authorized and directed to consult an
vise with said "California Debris Commissio
relation to any and all plans and specifica
that may have been, or may hereafter be prep
or adopted by said "California Debris Com
sion," for the construction of such restra
or impounding works, and said debris com
sioner shall submit a copy of all such plans
specifications to the state board of examiner
their examination and consideration, tog
with his approval or disapproval thereof, or
recommendation with reference thereto.

The state board of examiners shall there
proceed to examine and consider the plans
specifications thus submitted to them, and in
behalf may require the attendance, counsel
advice of said debris commissioner, during
examination and consideration thereof. The
board of examiners shall keep a record of
deliberations and shall either approve or
prove said plans and specifications, which
proval or disapproval may be by a majority
of said board; provided, that no plans and
fications involving an expenditure on the pa
the state of California of a sum greater tha
appropriation herein made shall be approved.

If said plans and specifications be approv
the state board of examiners, the said debris
missioner shall thereupon report such action t
"California Debris Commission."

Whenever said "California Debris Commis
or the government of the United States shall
entered into any contract for the constructi
works for the purposes described in this a
pursuance of plans and specifications that
been theretofore approved by the state boa
examiners as in this act provided, it shall th
the duty of the debris commissioner to car
inspect such works during the process of thei
struction and to keep a record of the result of
inspection and to report the same monthly
state board of examiners. Said debris co
sioner shall also from time to time, during th

nstruction of such works, when re-
do by the said "California Debris
draw his warrants upon the state
avor of such person or persons as
ated by said "California Debris Com-
uch amounts as shall equal one-half
the construction of said works; and
mmissioner shall, in like manner,
uested so to do by said "California
ssion," draw his warrant upon the
r for an amount equal to one-half
price of any site or sites necessary
uction of said works; provided, tha
f such site or sites shall have been
by the state board of examiners;
further, that no warrant shall be
ess of the amount appropriated b
endment approved March 17, 1897
ap. cxlii. In effect immediately.]
e is hereby appropriated out of the
f the treasury of this state not
ropriated, the sum of two hundred
sand dollars, to be used in the con
orks for the restraining and im
ebris resulting from mining opera-
erosion, or other causes, and for the
sites therefor. The appropriation
section is intended as a reappropria-
m of two hundred and fifty thous-
propriated by the act entitled "A
for the appointment, duties, and
of a debris commissioner, and to
opriation to be expended under his
he discharge of his duties as such
" approved March twenty-fourth,
red and ninety-three, and it is ex
d and provided by this act that the
rnia shall, in no event, incur any
nder beyond the amount of the ap
rein made; and no contractor, claim-
shall acquire any right or obligation
te of California beyond said sum so
nd set apart for the purposes herein-
and it is expressly declared that any
and against the State of Califor-

nia in excess of said appropriation shall be in
and void. Said moneys shall be paid only
orders drawn by the state controller upo
written request of said debris commissioner,
this act provided. [Amendment approved M
17, 1897; Stats. 1897, chap. cxiii. In effect i
diately.]

Sec. 5. The term of office of said debris
missioner shall be four years from the date
appointment. He shall take the same oa
office as is provided by law for other state of
and before entering upon the discharge of h
ties shall give bond, with sufficient sureties,
approved by the governor of the state, in th
of fifty thousand dollars, for the faithfu
charge of his duties as such officer.

Sec. 6. The said debris commissioner shall
the power to appoint a secretary, at a mo
salary to be fixed by said commissioner, n
ceeding one hundred and twenty-five dollar
month, said secretary to hold office at the ple
of the said commissioner; provided, however
no secretary shall be appointed until said
commissioner shall enter upon the actual
charge of his duties.

Sec. 7. All expenditures authorized by th
visions of this act shall be subject to the ap
of the state board of examiners; and the stat
troller is hereby authorized to draw his wa
for all expenditures not in excess of the a
priation herein provided for so approved b
state board of examiners, and the state trea
is hereby directed to pay the same. [Amend
approved March 17, 1897; Stats. 1897, chap.
In effect immediately.]

epeal an act entitled "An act regulat-
sale of mineral lands belonging to the
pproved March 28, 1874, and the acts
ory thereof, and to provide for the
mineral lands under United States

ved April 1, 1897; Stats. 1897, chap.
cclxx.]

f the State of California, represented
e and Assembly, do enact as follows.

The following entitled acts of the
re hereby repealed, to wit:
act entitled "An act regulating the
al lands belonging to the State," ap-
h twenty-eighth, eighteen hundred
our.
act entitled "An act to amend an
n act regulating the sale of mineral
ng to the State, approved March
, eighteen hundred and seventy-
ed February third, eighteen hun-
enty-six.
ct entitled "An act to amend an act
t regulating the sale of mineral
g to the state, approved March
eighteen hundred and seventy-
d April sixth, eighteen hundred and

n it shall be shown by affidavits or
he satisfaction of the surveyor gen-
portion of a sixteenth or thirty-
elonging to the state is valuable for
posits, the surveyor general shall
y application to purchase the same,
egister of the state land office issue
purchase therefor, until the ques-
acter of the land has been referred
ion to a court of competent juris-
manner provided by section thirty-
nd fourteen of the Political Code,
ot to be valuable as mining land.
ixteenth and thirty-sixth sections
e state, in which there may be

found valuable mineral deposits, are h
clared to be free and open to exploratio
tion, and purchase of the United States,
laws, rules, and regulations passed and
by the United States for the sale of
lands.

Sec. 4. This act shall take effect fro
ter its passage.

An act prescribing the manner of loca
ing claims upon the public domain
United States, recording notices of
thereof, amending defective locat
providing for the deposit of district
with county recorders, and prescri
effect to be given to recordation of
location and affidavits.

[Stat. approved March 27, 1897; Stats. 1
clix.]

The people of the state of California, re
in senate and assembly, do enact a

Section 1. The location of mining cla
the public domain of the United State
made and perfected as provided in this

Sec. 2. The discoverer of any vein or
immediately, upon making a discovery,
the point of discovery a substantial mo
mound of rocks, and post thereon a pr
notice which shall contain:

First—The name of the lode or claim;

Second—The name of the locator or loc

Third—The date of the discovery·

Fourth—The number of linear feet c
length along the course of the vein e
from the point of discovery;

Fifth—The width claimed on each si
center of the vein;

Sixth—The general course of the vei
as near as may be;

Seventh—That such notice is a first o
nary notice.

Such notice shall be recorded in the of
county recorder of the county in which

hin twenty days after the posting
the erection of said monument and
notice, the discoverer shall be al-
od of time specified in section three
enable him to perfect his location
provided.
hin sixty days from the date of the
vein or lode, the discoverer must
dollars' worth of labor in develop-
ery, and distinctly mark his location
so that its boundaries can be
, and must file in the office of the
er of the county in which the claim
certificate of location, which said
ll state:
e of the lode or claim;
e of the locator or locators;
of discovery and posting of the
ed for in section two of this act,
e considered as the date of the loca-

otion of the claim, defining the ex-
ries as they are marked upon the
uch additional description by refer-
natural objects, or permanent monu-
identify the claim.
ent that such certificate is the final
notice of location, and that he has
aforesaid fifty dollars' worth of la-
oment work thereon within the
y-day period, stating generally the
f. Said certificate shall be dated
or on behalf of the locator or lo-
ified by them or by some one in their
hen filed for record shall be deemed
l as prima facie evidence of the
recited. A copy of such certificate
rtified by the county recorder, shall
evidence in all actions or proceed-
same effect as the original. The
f such labor shall be deemed a
in completing such location and a
and no part thereof shall inure to
any subsequent location.
discoverer of placer or other
osit, subject to location and appro-

priation, under mining laws applicable t
shall locate his claim in the following
First—He must immediately post in a
ous place at the point of discovery t
notice or certificate of location thereof c
(a) The name of the claim;
(b) The name of the locator or locator
(c) The date of the discovery and post
notice, hereinbefore provided for, whicl
considered as the date of the location;
(d) A description of the claim by re
legal subdivisions of sections, if the l
made in conformity with the public
otherwise, a description with reference
natural object or permanent monument
identify the claim, and where such claim
by legal subdivisions of the public surv
location shall, notwithstanding that
marked by the locator upon the ground,
as other locations.
Second—Within thirty days from the
such discovery he must record such not
tificate of location in the office of the
corder of the county in which such di
made, and so distinctly mark his locati
ground that its boundaries can be read
Third—Within sixty days from the da
discovery the discoverer shall perform l
such location or claim in developing the
an amount which shall be equivalent
gregate to at least ten dollars' ($10) wor
labor for each twenty acres, or fracti
thereof, contained in such location or c
A failure to perform such labor wi
time, shall cause all rights under such l
be forfeited and the land covered the
at once be open to location by qualifie
other than the preceding locators, but sl
any event be open to location by such
locators, and any labor performed
thereon shall not inure to the benefit of
sequent locator thereof.
Fifth—Such locator shall, upon the pe
of such labor, file with the recorder of t
an affidavit, showing such performa
generally the nature and kind of work

affidavit provided for in the last
he aforesaid placer notice or certi-
ion when filed for record, shall be
onsidered as prima facie evidence
erein recited. A copy of such cer-
or affidavit certified by the county
be admitted in evidence in all ac-
edings with the same effect as the

ocations of quartz or placer forma-
its, hereafter made, which do not
e requirements of this act, in so
me are respectively applicable
e void.

ecord of a mining claim or mill-
r the passage of this act, in the
ining district, shall be valid. All
ion of mining claims, millsites,
s, heretofore recorded in such dis-
such notices conform to the local
tions in force in such district, are
valid. Within thirty days after
this act the district recorder or
records of the several mining dis-
ate, shall transmit to the county
respective counties wherein the
ts are situated, all the records of
istricts, and thenceforward such
shall be deemed and considered
an of such records. Thereafter
ecords, certified by the county
e received in evidence with the
ne originals.
t shall take effect and be in
fter its passage.

n act relating to the working,
, easement, and drainage of
tate of California.

31, 1891; Stats. 1891, p. 219.]

ever any mine-owner, compa-
shall have performed the labor
rovements required by law for
wnership of mining claims or
company, or corporation shall

file or cause to be filed, within thirty
the time limited for performing such
making such improvements, with the
corder of deeds of the county in which
or claim is situated, particularly desc
labor performed and improvements mad
value thereof, which affidavit shall be p
evidence of the facts therein stated.
failure of any claimant or mine owner
with the conditions of this act in the pe
of labor, or making of improvements
claim, mine, or mining ground, the clai
upon which such failure occurred shall
to relocation in the same manner as if
of the same had ever been made. B
vious to relocation, the original locat
heirs, assigns, or legal representatives
work upon such claim, and continue the
reasonable diligence until the required
labor has been performed or imp
made, and the required statement of
and affidavits filed with the county rec
the claim shall not be subject to relo
cause of previous failure to file accou
the failure of any one of the several
to contribute his portion of the expen
quired hereby, the co-owners who have
the labor or made the improvement m
expiration of the year, give such deli
owner personal notice, in writing, or b
tion in the newspaper published ne
claim for at least once a week for ni
and if, at the expiration of ninety days
notice in writing or publication, such
shall fail or refuse to contribute his por
expenditures required by this section, h
in the claim shall become the property
owners who made the required expend
copy of such notice, together with an
showing personal service or publicati
case may be, of such notice, when filed
ed with the recorder of deeds of the
which such mining claim is situated, sh
dence of the acquisition of title of such
Where a person or company has or n
tunnel or cuts for the purpose and in
for the purpose of developing a lode,
claims owned by said person or compan
ration, the money so expended in ru

e taken and considered as expended
or claims; provided further, that
im, or claims shall be distinctly
e surface as provided by law.
mining locations and mining claims
ect to a reservation of the right of
or over any mining claims, ditches,
cuts, tunnels, and other easements
se of working other mines; provided,
age occasioned thereby shall be as-
aid for in the manner provided by
taken for public use under the right
omain.
act shall take effect immediately.

TITLE 184.

MISSING PERSONS.

rizing the appointment of trustees
ates of missing persons, and defining
of such trustees.

March 23, 1893; Stats. 1893, p. 218.]

That whenever any resident of this
or may hereafter be missing, or his
unknown, for the period of ninety
such person owns, is seised, or en-
seisin or the possession of any real
roperty in this state, and it is repre-
superior court, or a judge thereof,
y in which such person owns any
verified petition of the wife or of
or friend of such person, that his
has been unknown for such period
s still unknown, and that his estate
attention, supervision, and care of
shall be the duty of such court to
suitable person or persons to take
ossession of such estate as trustee,
e and control the same under the di-
d court.
t in appointing such trustee the
referably appoint the wife of such
n (if any such there be), or her nom-
the absence of a wife, some person
e entitled to participate in the dis-

tribution of such missing person's estat
dead; and the court shall have powe
such trustee to pay to the person or pe
stituting the family of such missing p
sum or sums of money, for family ex
support, from the income of such estate
from time to time determine.

Sec, 3. That the bond of the trustee
ed shall be in double the amount of the
annual income of such estate; provi
where such missing person has a wife
no children, and the estate of such m
son is shown to be solvent, and the w
to be appointed trustee, the court shall
bond of her.

Sec. 4. It shall be the duty of such
trustees to take possession of all the
personal estate in this state of such m
son, and to collect and receive the re
and profits thereof; to collect all in
owing to such missing person, and pa
and expenses thereof out of the trust
to pay such indebtedness of such miss
as he may be authorized to do by the
ing the appointment of the trustee; ar
from time to time, as he may be di
count to and with said court for all of
acts and doings as trustee, and the co
such appointment may at any time, u
plication of any party interested, and
cause shown therefor, remove any tru
it may so appoint, and appoint some
son or persons trustee or trustees in
place or stead.

Sec. 5. Upon presentation of the verif
mentioned in section one, the court or
order the same to be filed with the c
court, and shall appoint a time for the
said petition, not less than ten days
date of said order; and the clerk shall
tice in some newspaper published in s
stating that such petition will be heard
so appointed, in the court room of said
notice shall be published for five days
other notice of said application shall
such manner and to such persons as
or judge may direct. All orders, judg
decrees made in proceedings under t
may be entered and recorded as and w

rders, judgments, and decrees in
From and after the presentation
and until decision rendered there-
uch missing person shall have all
trustee duly appointed and quali-
ct, and shall act as such trustee,
irection of the court.
ct shall be in force from and after

TITLE 185.

MODOC COUNTY.

llowing acts:

the county of Modoc, to establish
les thereof, and to provide for its

ebruary 17, 1874; 1873-4, 124.]

ental to the foregoing act of Feb-
teenth, eighteen hundred and sev-

March 23, 1874; 1873-4, 517.]
provision for the hospital fund of
also defined the powers of the
as to the registry of voters; also
levy of a tax for a building fund;
he act of March 26, 1857, in rela-
nd running at large in Colusa and
over Modoc county.

o special acts relating to Modoc
found in Deering's Annotated Pe-

TITLE 186.

MONO COUNTY.

to local acts relating to Mono
ined in Deering's Annotated Pe-
339, 640.

TITLE 187.

MONTERREY.

An act to repeal an act entitled "An ac
porate the city of Monterey," appr
11, 1853, and acts amendatory the
proved March 4, 1857, April 18,
April 2, 1866.. [Approved March 16,
227.]

See also an act to amend the act to rei
Salinas city, approved March 27, 1895, S
p. 206.

TITLE 188.

MONTEREY COUNTY.

A reference to special acts relating to
county is contained in Deering's Annot
Code, pp. 640, 641.

TITLE 189.

MORGUE.

An act to provide for the construction
tenance of a public morgue in the
county of San Francisco.

This act was approved March 5, 1
1885, p. 25.

TITLE 190.

MORTGAGES.

Acts relating to attorney's fee on f
See Code of Civil Procedure, Appe
Mortgages, p. 863 et seq.

TITLE 191.

CIPAL CORPORATIONS.

PAL CORPORATION BILL.

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II. General provisions relating to officer
III. Legislative department, §§ 858-875.
IV. Executive department, §§ 876-881.
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VI. Miscellaneous provisions, §§ 885, 886.

de for the organization, incorpora-
overnment of municipal corpora-

roved March 13, 1883.]

CHAPTER I.

on of Municipal Corporations.

ay incorporate.

ny portion of a county containing
e hundred inhabitants, and not in-
a municipal corporation, may be-
ted under the provisions of this
so incorporated, shall have the
ed, or that may be hereafter con-
upon municipal corporations of the
he same may belong.

ceeding in organizing a municipal

ition shall first be presented to the
isors of such county, signed by at
e qualified electors of the county,
the limits of such proposed corpo-
affidavit of three qualified electors
the proposed limits, filed with the
be prima facie evidence of the re-
of signers. The petition shall set
cularly describe the proposed boun-
corporation, and state the number
therein, as nearly as may be, and
the same may be incorporated un-
ons of this act. Such petition shall
a regular meeting of such board,
blished for at least two weeks be-
t which the same is to be present-
wspaper printed and published in
ogether with a notice stating the
eeting at which the same will be
hen such petition is presented, the
rvisors shall hear the same, and
uch hearing from time to time, not

exceeding two months in all, and on the
ing, shall make such changes in the
boundaries as they may find to be p
shall establish and define such bound
shall ascertain and determine how ma
tants reside within such boundaries;
that any changes made by said board
visors shall not include any territory
the boundaries described in such peti
boundaries so established by the board
visors shall be the boundaries of such
corporation until by action, authorize
for the annexation of additional terri
the taking of territory from, said mun
poration, such boundaries shall be cha
vided, whenever it shall appear to the
supervisors that the boundaries of a
pal corporation have been incorrectly
the board shall direct the county surve
certain and report a description of the b
The board of supervisors shall, at their
lar meeting after the filing of the rep
county surveyor, cause notice to be pu
some newspaper published in the co
the report will be acted upon at the ne
meeting of the board, and at said m
board shall ratify the report of the c
veyor, with such modifications as they
necessary, and the boundaries so establi
be the legal boundaries of said municip
tion. They shall then give notice of an
be held in such proposed corporation fo
pose of determining whether the same
come incorporated. Such notice shall p
describe the boundaries so established,
state the name of such proposed corpor
the number of inhabitants so ascertaine
therein, and the same shall be publis
least two weeks prior to such election,
paper printed and published within su
aries, or posted for the same period i
four public places therein. Such notic
quire the voters to cast ballots, which
tain the words "For incorporation," o
incorporation," or words equivalent th
also the names of persons voted for to
rious elective municipal offices prescrib
for municipal corporations of the class

corporation will belong. [Amend March 19, 1889; Stats. 1889, p. mmediately.]

onducted.

elections shall be conducted in ac- the general election laws of the rson shall be entitled to vote there- hall be a qualified elector of the l upon the great register thereof, resided within the limits of such ation for at least sixty days next election. The board of supervis- on the Monday next succeeding nd proceed to canvass the votes d if, upon such canvass, it appears y of the votes cast are for the in- board shall, by an order entered utes, declare such territory duly a municipal incorporation of the the same shall belong, under the of the city (or town, as the case (naming it), and shall declare the g, respectively, the highest num- r such several offices to be duly offices. Said board shall cause a der, duly certified, to be filed in the ary of State, and from and after filing, such incorporation shall be te, and such officers shall be en- immediately upon the duties of offices, upon qualifying in accord- and shall hold such offices respec- l the next general municipal elec- in such city or town, and until are elected and qualified; and it essary in any action, civil or crim- d prove the organization or exist- orporation, and the courts shall gnizance thereof without proof. pproved March 19. 1889; Stats. n effect immediately.]

ated city or town may incorporate

ommon council, board of trustees, ive body of any city and county, rganized or incorporated prior to January, eighteen hundred and

eighty, at twelve o'clock, meridian, shall,
celving a petition therefor, signed by
than one fifth of the qualified electors
city and county, city or town, as show
vote cast at the last municipal election h
in, submit to the electors of such city an
city, or town, at the next general elect
held therein, the question whether such
county, city, or town shall become orga
der the general laws of the state relating
cipal corporations of the class to which
and county, city, or town may belong
that such question will be so submitted
given by publication in a newspaper pr
published in such city and county, city,
or if there be no newspaper printed and
therein, by printing and posting the sa
least four public places therein, inclu
place or places where such election is to
Such notice shall be so published or post
least four weeks prior to such election,
also be made a part of the general ele
tice. Such notice shall distinctly state t
sition to be so submitted, and shall desi
class to which such corporation belongs,
invite the electors thereof to vote upon s
osition by placing upon their ballots t
"For reorganization," or "Against reorga
or words equivalent thereto. The vote
shall be canvassed at the time and in th
in which the other votes cast at such el
canvassed. If, upon such canvass, a m
all the electors voting at such election
found to have voted for such reorganiz
said council, board, or other legislative b
by an order entered upon their minut
their clerk, or other officer performing
ties of clerk, to make and transmit to
retary of State a certified abstract of s
which abstract shall show the whole n
electors voting at such election, the n
votes cast for reorganization, and the n
votes against reorganization. Said counc
or other legislative body shall immediat
after call a special election for the electi
officers required by law to be elected in
tions of the class to which such city an
city, or town shall belong, which election

x weeks thereafter. Such election in all respects in the manner pre- t may hereafter be prescribed, by ipal elections in corporations of d shall be canvassed by the coun- other legislative body calling the all immediately declare the result nuse the same to be entered upon From and after the date of such rporation shall be deemed to be or- such general laws, under the name e city and county (or city or town ay be) of —— (naming it), with the red, or that may hereafter be con- v upon municipal corporations of nich the same may belong; and the at such election shall be entitled enter upon the duties of their re- s, upon qualifying in accordance shall hold such offices, respectively, next general municipal election to city and county, city, or town, and cessors are elected and qualified.

orporation.

city and county, city or town or- the provisions of section four of for all purposes, be deemed and law the identical corporation there- rated and existing; and such reor- l in no wise affect or impair the ti- perty owned or held by such corpo- ist therefor, or any debts, demands, obligations existing in favor of or orporation, or any proceeding then hall the same operate to repeal or manner any ordinance theretofore ted and remaining unrepealed, or, ny person from any liability, civil n existing, for any violation of any ; but such ordinances, so far as the in conflict with such general laws, remain in force until repealed or ompetent authority; provided, that eretofore commenced shall, after ation, be conducted in accordance sions of such general laws.

ng officers.

on as the officers elected under the

provisions of either section three or s
of this act shall have qualified in accor
law, all persons, if any, then in posses
offices of such corporation, shall immed
and surrender up the possession of s
and shall deliver to the officers so
moneys, books, papers, or other thing
official custody, and all property of su
tion in their hands, notwithstanding
terms of office for which they were r
elected or appointed may not then ha
and all officers, boards, and persons h
property in trust for any public use,
istration of which use is vested by su
laws in such corporation, or in any of
shall, upon demand from such corporati
officers, convey such property to such
or such officers, by good and sufficien
conveyance, in trust for such public u

Boundary, how changed.

Sec. 7. The boundaries of any munic
ration may be altered, and new territor
therein, after proceedings had as requi
section. The council, board of trustee
legislative body of such corporation s
receiving a petition therefor, signed b
than one fifth of the qualified electors
shown by the vote cast at the last mun
tion held therein, submit to the electo
corporation, and to the electors resid
territory proposed by such petition to b
to such corporation, the question whethe
ritory shall be annexed to such corpo
become a part thereof. Such questio
submitted at a special election, to be he
purpose, and such legislative body sha
tice thereof by publication in a newspa
and published in such corporation, and
newspaper printed and published outsi
corporation, and in the county in whic
ritory so proposed to be annexed is s
both cases for a period of four week
such election. Such notice shall distin
the proposition to be so submitted, and
signate specifically the boundaries of
tory so proposed to be annexed; and t
shall be invited thereby to vote upon su
tion, by placing upon their ballots the w

r "Against annexation," or words
reto. Such legislative body shall
the place or places at which the
pened in such territory so proposed
, which place or places shall be
sually used for that purpose with-
y, if any such there be. Such leg-
hall also appoint and designate in
e names of the officers of election.
e body shall meet on the Monday
g the day of such election, and pro-
s the votes cast thereat. The votes
rritory so proposed to be annexed
ssed separately, and if it shall ap-
canvass that a majority of all the
ich territory and a majority of all
in such corporation shall be for
ch legislative body shall, by an or-
on their minutes, cause their clerk,
performing the duties of clerk, to
smit to the Secretary of State a
ct of such vote; which abstract
whole number of electors voting in
the whole number of electors vot-
poration, the number of votes cast
nexation, and the number of votes
gainst annexation. From and af-
the filing of such abstract, such an-
be deemed complete, and thereafter
shall be and remain a part of such
ovided, that no property within
so annexed shall ever be taxed to
n of any indebtedness of such cor-
acted prior to or existing at the
nnexation. If the territory so pro-
nexed consists, in whole or in part,
pal corporation, or part thereof,
shall not be annexed under the
his section.

orations, how consolidated.
or more contiguous municipal cor-
become consolidated into one cor-
proceedings had as required in this
ouncil, board of trustees, or other
of either of such corporations shall,
a petition therefor, signed by not
fth of the qualified electors of each

of such corporations, as shown by the
at the last municipal election held in ea
corporations, submit to the electors
such corporations the question whethe
porations shall become consolidated in
poration. Such legislative body shall
day upon which a special election shall
each of such corporations to determi
such consolidation shall be effected, and
written notice thereof to the council,
trustees, or other legislative body of e
other of such corporations, which n
designate the name of the proposed ne
tion. It shall thereupon be the duty o
islative body of each of the corporati
posed to be consolidated to give noti
election, by publication in a newspa
and published in such corporation, for
four weeks prior to such election. S
shall distinctly state the proposition to
mitted, the name of the corporations s
to be consolidated, the name of the pr
corporation, and the class to which suc
new corporation will belong; and shall
electors to vote upon such proposition
upon their ballots the words "For con
or "Against consolidation," or words
thereto. The legislative bodies of ea
corporations shall meet in joint conven
usual place of meeting of the legislati
that one of such corporations having t
population, as shown by the last fede
on the Monday next succeeding the d
election, and proceed to canvass the
thereat. The votes cast in each of su
tions shall be canvassed separately; an
appear upon such canvass that a majo
votes cast in each of such corporatio
for consolidation, such joint convention
der entered upon their minutes, shall
clerk, or other officer performing the
clerk, of the legislative body at whos
meeting such joint convention is held,
certified abstract of such vote; whic
shall show the whole number of electo
such election in each of such corpor
number of votes cast in each for co

ber of votes cast in each against con-
such abstract shall be recorded upon
of the legislative body of each of
tions; and immediately upon the rec-
it shall be the duty of the clerk, or
performing the duties of clerk, of
legislative bodies to transmit to the
State a certified copy of such ab-
ediately after such filing, the legisla-
that one of such corporations having
population, as shown by the last fed-
shall call a special election, to be
new corporation for the election of
equired by law to be elected in cor-
the class to which such new corpo-
belong, which election shall be held
onths thereafter. Such election shall
d conducted in all respects in the
cribed, or that may hereafter be pre-
aw for municipal elections in corpo-
ch class, and shall be canvassed by
e body so calling the same, who shall
declare the result thereof, and cause
be entered upon their journal. From
e date of such entry, such corpora-
deemed to be consolidated into one
under the name and style of the city
or city or town as the case may be)
ng it), with the powers conferred, or
eafter be conferred, by law upon mu-
rations of the class to which the same
ng; and the officers elected at such
be entitled immediately to enter
ties of their respective offices, upon
accordance with law, and shall hold
respectively, only until the next
cipal election to be held in such city
city, or town, and until their succes-
ed and qualified. All the provisions
ve and six of this act shall apply to
tion and to the officers thereof; pro-
o property within either of the for-
tions so consolidated shall ever be
any portion of any indebtedness of
other of such former corporations
ior to or existing at the date of such

CHAPTER II.

Municipal Corporations of the First Cla
(Cities having a population of more than 10

Article I.—General Powers.

First Class.

Sec. 19. Every municipal corporation o
first class shall be entitled the city and cou
——, or the city of —— (naming it), as the cas
be, and by such name shall have perpetual s
sion, may sue and be sued in all courts and p
and in all proceedings whatever; shall hav
use a common seal, alterable at the pleasure
city authorities, and may purchase, lease, re
hold, and enjoy real and personal property
control and dispose of the same for the co
benefit.

Article II.—General Provisions Relating to O

Names, numbers, and terms of officers.

Sec. 20. There shall be elected by the qu
voters of such city, or city and county, at th
eral state election to be held on the first Tu
after the first Monday of the month of Nov
in each even-numbered year, the following o
viz: A mayor, sheriff, auditor, tax collector,
urer, county clerk, recorder, district attorne
or city and county attorney, coroner, sur
superintendent of streets, twelve school dir
six justices of the peace, public adminis
and two police judges, who shall hold offi
two years. The terms of such officers shal
mence on the first Monday after the first
January next following their election.
twelve aldermen, in the manner, and who
hold office, as provided in section forty-one
chapter, and twelve assistant aldermen, wh
hold office as provided in section forty-three
chapter.

ept open.
mayor, sheriff, county clerk, county
urer, district attorney, auditor, tax
or, city or city and county attorney,
of streets, and surveyor shall
ices, which shall be kept open for
of business every day in the year
, Christmas, New Year's, Fourth of
ving, the twenty-second of Febru-
y days during which a general elec-
held, between the hours of nine
nd five o'clock P. M.

ng vacancies.
enever vacancies occur in any of
ces of such city, or city and county,
is not otherwise made in this or
for filling the same, the mayor shall
t to the confirmation of the board
person to discharge the duties of
il the next election, when the va-
filled by election for the unexpired
ons so appointed shall, before enter-
duties, take the oath of office, and
equired by law.

l out of treasury.
fees or compensation to be paid out
y, other than those expressly al-
s chapter, shall be allowed or
ny officer of such city, or city
r of any district, or other sub-
f; nor shall any allowance or pro-
e for them, or any of them, at the
beyond the fixed compensation here-
nder the name of office rent, fuel,
ry, contingencies, extra services, or
ept the compensation or percentage
e tax collector and to the assessor
n of poll-taxes, and except that the
proper books, stationery, and offi-
y, at the discretion of the munici-
purchased and supplied for all the
city, or city and county, its officers,
ncil, and other boards, and officers,
whereof, when the amount in each
shall have been previously author-
by the municipal council, may be

paid out of the general fund, upon de
the treasury duly audited, as in this c
vided.

Bonds, how given.

Sec. 24. All officers of such city, c
county, must, before they can enter upo
cial duties, give a bond as required by
bonds and sureties of such officers m
proved by the president of the board o
auditor, and a judge of the superior co
for such city and county, or in and for
in which such city may be situated.
amount of such official bond is not fix
it shall be fixed by the municipal c
banker residing or doing business in
or city and county, nor any such banke
clerk, employee, agent, attorney, fathe
er, shall be received as surety for the
mayor, sheriff, auditor, or any officer
collection, custody, or disbursement of
person can be admitted as surety on
bond unless he be worth, in fixed prope
ing mortgages, situated in such city,
county, the amount of his undertakin
above all sums for which he is alread
in any manner bound, whether as princi
er, or security, or whether such prior o
liability be conditional or absolute, liq
unliquidated, certain or contingent, du
come due. All persons offered as sure
cial bonds must be examined on oat
their qualifications. The official bond
tor shall be filed and kept in the of
clerk of such city, or city and county.
official bonds shall be filed and kept i
of the auditor; provided that the bond
ties of the mayor must be approved by
man of the house of assistant alderme
and a judge of the superior court in a
city and county, or in and for the count
such city may be situated; and that the
sureties of the auditor must be appro
president of the board of aldermen, th
of the house of assistant aldermen, a
of the superior court in and for such
county, or in and for the county in whic
may be situated.

compensation or salary of an offi-
r in this chapter shall not be in-
ced after his election or during his

salaries of the officers, clerks, dep-
yees of such city and county, ex-
ise in this chapter provided, shall
nd payable in monthly installments
ach and every month, viz:
k.
of the mayor shall be four thou-
r annum; he may appoint a clerk,
s the mayor's clerk, whose salary
housand eight hundred dollars per

s, attorney, etc.
of the sheriff shall be six thousand
num; he may appoint one under-
salary shall be two thousand four
s per annum; one book-keeper,
shall be two thousand four
per annum, he may appoint twen-
each of whom shall receive a sal-
housand six hundred dollars per
which said deputies shall be as-
erform the duties of assistant book-
deputies, whose salaries shall be
ve hundred dollars per annum; one
hall be an attorney of the supreme
te, whose salary shall be one thou-
dred dollars per annum; one ma-
alary shall be nine hundred dol-
; one driver of prison wagon, whose
nine hundred dollars per annum.
eputies.
y of the auditor shall be four thou-
per annum; he may appoint one
salary shall be two thousand four
s per annum; and two clerks, at a
thousand six hundred dollars per

deputies.
of the treasurer shall be four thou-
r annum; he may appoint one chief

deputy, whose salary shall be two thou
hundred dollars per annum, and on
whose salary shall be two thousand on
dollars per annum.

Tax collector, deputies, etc.

5. The salary of the tax collector sha
thousand dollars per annum; he may a
chief deputy, one cashier, each of whon
ceive a salary of two thousand dollars p
and ten permanent deputies, whose sa
be one thousand six hundred dollars p
each.

Assessor, deputies, etc.

6. The salary of the assessor shall be
sand dollars per annum; he may appoint
office deputy, one chief field deputy, and
draughtsman, each of whom shall rece
ary of two thousand dollars per annum;
ant draughtsman, who shall receive a
one thousand eight hundred dollars pe
and eleven office deputies, each of whon
ceive a salary of one thousand eight hu
lars per annum. He may also appoint
tional deputies as may be allowed by t
pal council, at salaries not to exceed fi
per day each, for such time as they m
ployed.

Recorder, deputies, etc.

7. The salary of the recorder shall be t
sand dollars per annum; he may appoint
deputy, whose salary shall be two
four hundred dollars per annum,
deputies, each of whom shall receive a
one thousand eight hundred dollars pe
also, two porters, who shall perform
of watchmen, each of whom shall receiv
of nine hundred dollars per annum.

County clerk, deputies, etc.

8. The salary of the county clerk sh
thousand dollars per annum; he may app
ties as follows: one chief deputy, wh
shall be two thousand four hundred d
annum; twelve courtroom clerks, twelv
clerks, each of whom shall receive a sal

ht hundred dollars per annum;
tant registry clerks, each of
receive a salary of one thou-
lred dollars per annum; and twelve
of whom shall receive a salary of
six hundred dollars per annum; and
lerk, when the exigencies of his of-
equire, may, in his discretion,
additional copyists as shall be
a compensation not to exceed
per day for the days of actual
led, said number shall not exceed
ne three copyists for each judge of
ourt, to be paid from the treasury in
ner as the salaries herein provided
paid.

ey, assistants, etc.

y of the district attorney shall be five
ars per annum; he may appoint two
o shall be attorneys of the supreme
state, each of whom shall receive a
thousand four hundred dollars per
wo clerks, who shall be attorneys of
court of the state, each of whom
salary of one thousand five hundred
num.

ty attorney and assistants.

ry of the city, or city and county,
be four thousand dollars per an-
appoint two assistants, who shall be
he supreme court of this state, each
l receive a salary of two thousand
dollars per annum; and one copy-
receive a salary of nine hundred
num.

deputies.

ry of the coroner shall be three thou-
er annum; he may appoint two dep-
ct as first deputy, whose salary shall
nd six hundred dollars per annum,
t as second deputy and whose salary
housand five hundred dollars per an-
e messenger, to take charge of the
nd perform such other duties as are
he coroner or his deputies. The sal-

ary of the messenger shall be nine hundr
per annum.

Superintendent of streets and deputies.

12. The salary of superintendent of st
be four thousand dollars per annum; h
point twenty deputies; three of said dep
receive a salary of two hundred dollars
each, and seven of said deputies shall
salary of one hundred and fifty dollars
each, and ten of said deputies shall rec
ary of one hundred and twenty-five d
month each.

Surveyor.

13. The salary of the city, or city a
surveyor, shall be four thousand dolla
num; he may appoint as many deputies,
ceed four, as the municipal council
time to time determine are necessary,
receive such compensation as such
council shall provide, not to exceed t
five dollars per day when actually emp

Superintendent of schools.

14. The salary of the superintendent
shall be three thousand dollars per an

Police judge.

15. The salary of each of the police ju
be four thousand dollars per annum.

Prosecuting attorney.

16. The salary of the prosecuting a
the police court shall be twenty-four hu
lars per annum; and his two assistants
receive a salary of one thousand fiv
dollars per annum.

Justices of the peace.

17. The salary of the presiding justi
justices' court shall be three thousand
annum; and each of the other justic
peace shall receive a salary of two thou
hundred dollars per annum.

Clerk of the justices' court.

18. The salary of the clerk of the just
shall be two thousand four hundred doll
num; his two deputies shall receive a
one thousand two hundred dollars per a

enses.
ry of the collector of licenses shall
and dollars per annum. He may ap-
deputy, who shall receive one thou-
dred dollars per annum, and twelve
shall receive a salary of one thou-
ired dollars per annum each.

be interested in contracts, etc.
officer or commissioner of such
id county, or any officer or member
board, or department of the govern-
who shall be directly or indirectly
or a beneficiary or participant of,
any contract made with or for such
id county, or any board or depart-
, or who shall participate in
ade by any person or persons upon
r, purchases, sales, subsistence,
rials, or any article or thing
or done for such city, or city and
institution, public work, or branch,
of the government thereof, or sold
which contract, profit, purchase,
is made, or could have been made,
brought about, through or by means
action or conduct of such officer,
or member of such board, except
ary or compensation of such officer,
or member of such board or de-
vided expressly by law, shall be
of a felony, and, on conviction by
competent jurisdiction, punished ac-
ny commissioner, officer, clerk, or
having custody of or access to any
sals, whether sealed or otherwise,
or furnishing any goods, provisions,
abor, material, printing, or other
nature, or constructing, cleaning,
ny work or thing, or doing or fur-
ning whatsoever to such city and
y department, board, commissioner,
eof, who shall open or examine into
re of such bids, proposals, or change,
r, or otherwise tamper with the
ll purposely find out the contents
no shall aid, abet, assist, or permit

another so to do, before or in advance
prescribed by law for the opening the
lawful postponement of such time, sha
ed guilty of a felony, and, on convic
court of competent jurisdiction, sha
ished accordingly.

Questions of difference, how settled.

Sec. 28. All questions of differences
officers of such city, or city and county
relative duties, may be referred by eit
to the city, or city and county, attorne
examine and determine such questio
decision shall be final as between suc

Reports of officers.

Sec. 29. The following officers, and
of the following departments of su
city and county, shall report to th
council on or before the first day o
each year the condition of their respec
ments during the fiscal year ending Ju
previous thereto, embracing all thei
and expenditures: Auditor, assessor, t
county clerk, superintendent of stre
partment, hospital, alms-house, park
ers, treasurer, sheriff, county recorder,
and county surveyor, license colle
schools, fire-alarm and police telegr
keeper, board of health, city or city
attorney, industrial school, police, cor
officer, justices' court, city-hall co
home for the care of the inebriate, b
tion directors, commissioner of electio
correction, city cemetery, free public
the building committee of the munic
Immediately after the first Monday
the mayor and municipal council sha
and publish an extract from these se
and other sources, of the operatio
tures, and condition of all department
ment of such city, or city and county

I.—Legislative Department.

er, how vested.
egislative power of such city, or
, shall be vested in a body to be
nicipal council," which shall be
o boards or houses of legislation,
the "board of aldermen," and the
e of assistant aldermen."

nen, how elected.
oard of aldermen shall consist of
to be elected by general ticket,
or city and county, at large, the
ch shall hold office for the term of
ommence on the first Monday af-
y of January next following their
that of the aldermen, who are
first election under this chapter;
ng the smallest number of votes
office for two years only; so that
six shall be elected every two
f a tie vote at such first election,
which aldermen shall hold the full
short term shall be determined be-
idates so tied by lot. The alder-
ve each a salary of one thousand
ollars a year, payable in monthly
t of the general fund.

oard of aldermen shall appoint a
a salary not to exceed two hun-
month, who shall keep the records
He shall hold office during the
board. He shall have power to
s and affirmations in all cases, and
authenticate copies of all records,
uments in his official custody, and
ny other services required by the

nen.
house of assistant aldermen shall
e persons, to be elected every two

years, one each by the qualified electors
spective wards, into twelve of which
or city and county, shall be divided
purpose. The assistant aldermen shall
for the term of two years, to commer
first Monday after the first day of Jar
following their election, and shall rece
salary of one thousand two hundred
year, payable monthly out of the gener

Salary of clerk.

Sec. 44. The house of assistant alde
appoint a clerk, who shall keep their re
hold office during their pleasure. He sh
salary not to exceed two hundred dollar
shall have power to administer oaths a
tions, and to certify and authenticate
documents, and papers in his official c
shall perform any other service requir
by the house.

Vacancy, how filled.

Sec. 45. Any vacancy occurring in ei
shall be filled by the mayor; and the
pointed to fill such vacancy shall hold
the next election by the people, and un
cessor is qualified.

Qualification.

Sec. 46. Every member of the board
men shall be a qualified voter, at lea
five years of age, and shall have been
the United States and of this state, and
of such city, or city and county, for t
next before his election or appointment

Qualification.

Sec. 47. Every member of the house o
aldermen shall be a qualified voter, at l
ty-five years of age, shall have been a
the United States and of this state, and
of such city, or city and county, at
years, and of the ward from which he is
appointed at least one year next before l
or appointment.

Qualification.

Sec. 48. Every member of either bra
municipal council shall, at all times
incumbency of said office, possess the

s: He shall not be, directly or indi-
ested in any contract with such city,
county, or any department or institu-
He shall not have been convicted
ice in office, bribery, or other corrupt
crimes. Any member who fails to pos-
shall at any time during his term
e to possess, any of the qualifications
this act as a qualification shall there-
s seat in the board or house to which
and the vacancy shall be filled as in
If any member of either branch ab-
from the state, or neglect to attend
of the board or house to which he be-
period of thirty days, his office shall
vacant by said board, and a successor
pointed, to hold till the next election by
s provided in other cases.

ises of aldermen.

ch board or house shall elect its own
ept as to the presiding officer of the
ermen. The mayor shall preside at all
of the board of aldermen, without the
. In his absence, during any session,
hall appoint one of its members as
o tempore, who shall, however, have
ght to vote as other members. Each
be the judge of the election returns
ations of its own members, and may
ne rules of its own proceedings, ex-
ein provided. Each house shall keep
ts acts, and allow the same to be pub-
the yeas and nays on any question
request of any member, be entered on
of the house; may arrest and punish
exceeding five hundred dollars, or im-
as provided by ordinance, not exceed-
ays, or both, any person not a member
e guilty of disrespect to the board or
sorderly or contemptuous behavior in
during its session; may punish its
disorderly conduct, and, with the con-
two-thirds of all the members elect,
a member.

Quorum.

Sec. 50. The house of assistant alde
elect one of their own number presidin
said house, who shall be designated as
man" thereof. A majority of the m
either house shall constitute a quorum
ness; and no regulation, resolution, or
order of either house can pass without
rence of a majority of the members
appointed to such house; but a small
may adjourn from day to day, and m
the attendance of absent members, in
ner and under such penalties as the hou
may provide.

Sessions shall be public.

Sec. 51. All sessions, acts, and res
each house shall be public. Neither h
without the consent of the other, a
more than seven days at any one time,
other place than that in which the two
be sitting.

Not eligible to any other office.

Sec. 52. No member of the munici
shall, during the time for which he is
eligible or appointed to any other office
city, or city and county, except such
may be filled by election by the people
any member, while such, be an employ
city, or city and county, or any board
ment thereof, or of either branch of th
council, in any capacity whatever; and
sation shall be audited or paid for servi
officer or employee; and no act, ordinan
lutions shall ever be passed whereby
ber of either house shall become the
officer of such city, or city and coun
board or department thereof, or pay
its money upon any pretense whateve

Limitations on contracts.

Sec. 53. No member of the municipal
of the board of education, or any offi
city, or city and county, or of any wa
shall have any power to contract any
bility whatsoever against such city,
county, nor shall the people, or tax-pay

n, ever be liable to be assessed for of any debt or liability hereafter attempted to be contracted, in con- his chapter.

ttee.

municipal council shall appoint a e of five, three from the board of two from the house of assistant al- denominated the "finance commit- mmittee may at any time, and shall ired by the municipal council, or hereof, investigate the transactions f any and all officers appertaining ent of such city, or city and coun- collection, custody, or disbursement y, or having the power to approve, demands on the treasurer, and re- the municipal council. Said com- ve full power to send for all per- s, and enter into, examine, inquire, all offices and places, to admin- affirmations, to examine witnesses, ir attendance by subpœna and at- ntempt, and the production of rec- d papers, and may imprison in the jail any person refusing to appear ell as any officer or person failing edience to the orders to show rec- books, or to testify when required sheriff or any policeman of such l county, shall enforce all orders of , and attend upon it in like man- ourts of record. The mayor may participate in such investigations.

l council shall meet.

municipal council shall meet on the fter the first day of January, and ndays of April, July, and October nd at such other times as required ay be specially convoked by the in provided.

inances.

rdinance shall be passed except by ll shall be so amended in its pas- ge its original object. No bill shall

contain more than one subject, which
pressed by its title. On the final pa
bills the vote shall be by "yeas" and
each bill, separately, and the names
bers voting for and against the same
tered on the journal. Bills may origin
house, and no bill shall be passed by
except by a majority vote of all th
elected or appointed to either house.

Amendments, how concurred in.

Sec. 57. No amendments to bills by
shall be concurred in by the other
vote of a majority of all the mem
or appointed thereto, taken by yeas an
the names of those voting for and agai
upon the journal thereof; and repo
mittees of conference shall be adopte
house only by the vote of a majorit
members elected thereto, taken by
"nays," and the names of those voti
upon the journals.

Re-enacting ordinances.

Sec. 58. No ordinance shall be re
acted, or amended, by mere reference
but such ordinance or section shall
length, as if it revived, re-enacted, or

Reconsideration.

Sec. 59. When a bill is put upon it
sage in either house, and failing to pa
is made to reconsider the vote by whic
feated, the vote upon such motion t
shall be taken up, and the subject fina
of at the next meeting of the council,
house, by a two-thirds vote, decides
such reconsideration at the same mee

Signing bills.

Sec. 60. No bill shall become an ord
the same shall have been signed by t
officer of each of the two houses in o
in authentication of its adoption by
In signing such bill for authenticati
siding officer shall call the attention of
the bill, and that he is about to sig
any member request, the bill shall
length for information as to its correc

ny member object that the bill is not
substance and form as when consid-
assed by the house, such objection
ssed upon, and if sustained, the pre-
r shall withhold his signature, and the
ien be corrected, and finally disposed
ied, before the house proceeds to any
ess.

on bills.

No general appropriation act or author-
ll ever be passed, but all appropria-
be for the specific amount of the claim
and no more; and each ordinance or
uthorizing the payment of money shall
claim only, which shall be expressed
Every ordinance or resolution of the
council providing for any specific im-
the granting of any privilege, or in-
lease or appropriation of public prop-
e expenditures of public moneys, ex-
ms less than five hundred dollars, or
or assessment, and every ordinance or
mposing a new duty or penalty, shall,
roduction in either house, be published,
eas" and "nays," in a newspaper doing
l county printing, at least five succes-
efore final action upon the same by the
hich it was introduced; and in case
ance or resolution shall be amended
passage in said house, then the bill
l, shall be so published, in the same
ore final action by such house thereon;
such ordinance, after the same shall
l both houses, shall, before it takes ef-
esented to the mayor for his approval.
ves, he shall sign it; if not, he shall re-
in ten days to the house in which the
nated, with his objections in writing.
shall then enter the objections on the
l publish them in the newspaper doing
ting. At the next stated meeting there-
house shall proceed to reconsider such
er such reconsideration, it again passes
by the votes of nine of the members
ppointed to each house voting therefor,
ome a law, notwithstanding the may-

or's objections. Should any such ordinance or
olution not be returned by the mayor within
days after he receives it, it shall become v
the same as if it had received his signa
Where a claim against the treasury amount
more than five hundred dollars, it shall no
lawful to divide or break up the same into se
sums of less than that amount so as to e
the provisions of this section concerning cla
and any effort or attempt to accomplish
unlawful division, or breaking up a claim, sha
deemed, as to every member of the muni
council or other officer consenting thereto, or
ing the same, a misdemeanor in office, an
cause for his removal. All ordinances author
the payment of any money out of the treasur
any claim thereon, shall be referred to the a
priate standing committee of the house where
bill is introduced, who shall present the sam
the auditor, in order that he may certify that
is sufficient money in the proper fund ou
which such claim can lawfully be paid, and
such appropriation can be made without viol
the provisions of this chapter; and until the
ditor certifies in writing, signed by his name,
there is sufficient money in the proper fund,
that the authorization can be made without
lating the provisions of this chapter, no fu
proceedings shall be had with such bill. It sha
the duty of the auditor, with reasonable pro
ness, to ascertain the facts, and to give the c
cate when the facts warrant him in doing so,
not otherwise.

Powers.

Sec. 62. The powers of the municipal co
and all other boards, commissioners, and off
are those specially named in this chapter,
they are prohibited from exercising any oth

Enacting clause.

Sec. 63. The enacting clause of ordinances
be in the following terms: "The municipal co
of the city and county of ——, or city of —
the case may be), hereby ordains as follows

Further powers.

Sec. 64. The municipal council shall further
power by regulation or ordinance:

asing property.
e for the security, custody, and ad-
of all property of such city, or city
nd to purchase land required for mu-
es without any power to sell or in-
ame, or lease any part thereof for
hree years; except, however, that
property belonging to the fire, street,
rtments, as they deem unsuited to
urposes for which the same was de-
much worn and dilapidated as not
epairing, may be sold or exchanged.

ts.
e for cases omitted in this chapter,
rmity with the principles adopted
ning, altering, extending, construct-
g, or otherwise improving public
ghways at the expense of the prop-
thereby, without any recourse in
on such city, or city and county, or
easury, for any portion of the ex-
work, or any delinquency of the
ers or owners.

ts.
de for lighting the streets. But no
lighting streets or public buildings
made for more than one year in
shall any contract to pay more for
illuminating material than is legally
dinary consumers, or than the usual
be valid.

ater.
de water for all municipal purposes,
r the same where lawful and neces-
water is supplied to such city, or
ty, for municipal purposes, any per-
ion, or association holding a valid
der the laws of this state to collect
or the use of water, then such city,
ounty, when it is lawful and neces-
ay the lawful rates, and no more,
d each year for water supplied for
unicipal purposes; and it shall not
make any special contract with such
ration, or association for water so
om the rates fixed by law.

To regulate markets.

5. To regulate market-houses and m
places.

Regulating public grounds.

6. To provide for inclosing, improving, ar
ulating all public grounds of such city,
and county.

Establish fire limits, etc.

7. To prohibit the erection of wooden bu
or structures within any fixed limits whe
streets have been established and graded,
dered to be graded, or to restrict and lim
height of such buildings or structures; to re
the sale, storage, and use of gunpowder,
restrict the limits within which may be ma
tured or kept giant-powder, dynamite, nit
cerine, or other explosive or combustible ma
and substances, and the maintenance o
works; and make all useful regulations in r
to the manufacture, storage, and transpo
of all such substances, and the maintena
acid-works, slaughter-houses, brick-burnin
neries, and all other manufactures and w
every description that may jeopardize the
safety, and to exclude them from the city,
and county, when necessary, or to restric
or any of them, to a district. To make all
sary regulations for protection against fire,
as such rules and regulations concerning th
tion and use of buildings as may be necess
the safety of the inhabitants.

To permit laying down railroad tracks.

8. To permit the laying down of railroad
and the running of cars thereon along any
or portion of street, for the sole purpose o
vating and filling in a street, or a portio
street, or adjoining lots, and for such limit
as may be necessary for the purpose af

Fix penalties.

and no longer.

9. To determine the fines, forfeitures, a
alties that shall be incurred for the bre
regulations established by the said m
council, and also for a violation of the pr
of this chapter, where no penalty is affixe

by law; but no penalty to be im-
eeed the amount of one thousand
months' imprisonment, or both.
ation of any lawful order or regu-
ances of the municipal council, is
a misdemeanor or public offense,
tions for the same shall be in the
ople of the state of California.

prisoners.

e and provide for the employment
entenced to labor on the public
city, or city and county, and to
egulate city, or city and county,
ns, with manufacturing or other
shments, or appliances connected

ain offices.

e a suitable office and jury-room,
or morgue, with the furniture
able the coroner to efficiently dis-
es of his office, and to make the
priation therefor; and to audit and
ecessary expenses of maintaining
offices attached, such sum as may
not to exceed seventy-five dollars
of the general fund.

of inebriate.

in and regulate a home of the ine-
iscretion.

le and maintain a city prison.

eries.

ain and improve the city ceme-
ay out of the general fund a keep-
appointed by the board of health,
to exceed one hundred dollars a

e and regulate hackney-carriages
ic passenger vehicles, and to fix
charged for the transportation of
ge, goods, merchandise, and prop-
thereon; and to license and regu-
used for the conveyance of mer-
and ballast, or either; and also to

license and regulate persons and
ployed in conveying baggage, pro
merchandise, or either, to or from
wharves, slips, bulkheads, or ra
tions within the limits of such c
and county; to fix and establish
of every license paid into the city,
county, treasury for city, or city and
poses; to provide for the summary r
disposition of any or all vehicles fo
streets, highways, and public squares
tain hours of the day or night, to be
by the council; and, in addition to all
dies, to provide by regulation for the s
disposition of such vehicles; to protec
from injury by runaways, by punish
who negligently leave horses or carri
street; to prescribe the width of the
drays, trucks, and carts, in accordan
weight to be carried thereby, for the
of the streets and highways.

Grant licenses.

16. To regulate, license, and control
of keeping intelligence offices, prescrib
od of conducting said business, and
by fines and penalties, the payment of
and any violation of the regulation to
business. To license and regulate p
and to enact regulations to protect th
dealing with them.

Fix fees.

17. To fix the fees and charges to be
the surveyor of such city, or city and
certificates of surveys for buildings o
poses, and to provide for a sufficient c
uty surveyors to perform such work,
from such fees only; also, to regulate th
charged by the superintendent of
county recorder, and any and all othe
officers where their fees are not otherw
law, and compel the payment of all su
charges into the city and county treas
proper fund, in accordance with the
of this act.

tion of certain moneys.
se and regulate, for the purposes of
nd county, revenue, all such call-
nd employments as the public good
o be licensed and regulated, and as
ited by law; to provide for and en-
nalties or otherwise, the collection
ent into the city, or city and county,
l moneys so due or raised, and to
ful rules and regulations to govern
duct and duties of the collector of

f hydrants.
de and pay for the construction and
ants, fire plugs, cisterns, and pumps

rating.
and order paid out of the general
ot to exceed three thousand dollars
for the celebration in such city, or
ty, of the anniversary of our na-
dence.

ses.
and order paid out of the general
election expenses of such city, or
ty, not to exceed forty dollars for
precinct for each election in said
nd county.

ms.
ide ways and means for the prose-
laims of such city, or city and coun-
or other property or right claimed
cipality.

er of coal.
de for the appointment by the may-
ner of coal, without salary, and to
efine his duties, and establish rates
be collected from persons requiring
nd for his compensation from such
rges alone, and with no claim upon
ity and county.

nuisances.
orize and direct the summary abate-
nces; to make all regulations which
sary or expedient for the preserva-

tion of the public health and the pre
contagious diseases; to provide fines
ties against individuals who may be
maintaining any nuisances, and enf
same until such nuisance be removed
to provide by regulation for the prev
summary removal of all nuisances an
tions in the streets, alleys, highways,
grounds of such city, or city and cou
prevent or regulate the running at lar
and to authorize the destruction of the
at large contrary to ordinance.

Regulate or prohibit houses of ill-fame

25. To prohibit, suppress, regulate,
from certain limits all houses of ill-f
titution, and gaming; to prohibit, supp
late, or exclude from certain limits
tions, houses, places, pastimes, amusem
bitions, and practices which are against
als, contrary to public order and decen
gerous to the public safety.

Regulate manner of street work.

26. To require, by ordinance, all cont
street work, or other persons lawfully
ing to improve, grade, or alter street
highways, to erect fences or barriers
lights at night, and to take other nec
cautions to protect the public from da
or accident by reason of such grading,
or improvement, and to fix and presc
ties for the violation of the provisions
dinance.

Safe-keeping of lost property.

27. To provide for the safe-keeping a
tion of lost, stolen, or unclaimed prop
ery kind, which may at any time be in
sion or under the control of the police o
or city and county.

Suppress public demonstrations.

28. To regulate, and when necessary t
all public demonstrations and process
interfere with public traffic.

Regulation of fire department.

29. To appoint a fire marshal. Suc
ment shall be made on the nominati

underwriters of such city, or city
such board shall exist therein. If
board shall exist therein, then up-
tion of the board which shall have
rganized. His salary shall be fixed
ch board of fire underwriters. Such
hall, before entering upon the office,
cribe the oath of office, and execute
state of California in the sum of
dollars, with two or more sureties,
l by a judge of the superior court,
l discharge of his duties. Any per-
by any misconduct of such marshal,
may bring an action in his own
h official bond, which bond shall be
ce of the county clerk. It shall be the
re marshal to attend all fires which
such city, or city and county, with a
conspicuously displayed. He shall
f and protect all property which
led at any such fire, and safely keep
er his possession and control until
roof of ownership be made thereto;
far as practicable, prevent such
being injured at such fire, and di-
his opinion it shall be necessary, the
oods, merchandise, and other prop-
e of safety. He shall be authorized
ed to exercise the functions of a
such city, or city and county. Any
hall willfully hinder or obstruct said
lawful discharge of his duties shall
ility of a misdemeanor; provided,
nothing herein contained shall be
as to authorize such fire marshal to
y manner with the proper discharge
duties and authority of any chief
ny fire department of such city and
all be the duty of such fire marshal
vestigations into the cause of such
in such city, or city and county; and
se he shall have power to issue sub-
dminister oaths, and compel the at-
vitnesses before him by attachment
All subpoenas issued by him shall
m as he may prescribe, and shall be

directed to and served by any police officer
any peace-officer of such city, or city and
Any witness who refuses to attend or tes
obedience to such subpoena shall be deemed
of contempt, and be punishable by him as i
of contempt in justices' courts in civil case
shall make a written report of the testimony
district attorney, and institute criminal p
tions in all cases in which there appears
to be a reasonable and probable cause for
ing that a fire has been caused by design.
be the duty of such fire marshal to aid in
forcement of the fire ordinances of such
city and county, and for this purpose he
authorized to visit and examine all build
process of erection or undergoing repairs,
institute prosecutions for all violations of
dinances of such city, or city and county,
relate to the erection, alteration, or rep
buildings, and for the prevention of fires.
exercise such additional powers as may
ferred upon him by the ordinances of su
or city and county, to enable him fully t
out the object and purpose of his appoi
and for the prevention of fires. He sha
power to appoint a deputy, who may exer
the powers and perform all the duties
marshal. The salary of such deputy shall
in the same manner as the fire marshal. A
son who saves from fire, or from a build
dangered by fire, any property, and who w
neglects for two days to give notice to s
marshal, or to the owner of such property
possession thereof, shall be deemed gu
grand or petit larceny, as the case may
cording to the value of said property; a
person who shall be guilty of false swea
any investigation under this subdivision s
deemed guilty of perjury, and, upon co
thereof, shall be punished therefor as i
cases of perjury. Such fire marshal may
moved at any time by the same power
ers that appointed him. And in case of
moval, resignation, or death of such fire m
his successor shall be appointed in the sam
ner as hereinbefore provided. Such fire

horized and empowered to appoint persons, during the time of fire, for f saving and protecting property at l until it shall be delivered to the imant thereof, and such person or pointed shall have, during such pe- iority and power of a policeman of city and county, and shall be known rshal's police; and each of such per- r, while in the discharge of his duty, displayed on his person, such badge uch fire marshal shall designate. No be entitled to any property in the fire marshal, saved from fire, until roof of ownership be made, and until penses incurred by such officer for on and keeping of the same shall be the owner or claimant of said prop- ase of dispute as to the amount of s, said dispute to be determined by ourt of such city, or city and coun- marshal is hereby duly authorized ed to hold and sell, or cause to be ic auction, all property in his pos- from a fire or fires, for which no found, after advertising the same in wspapers published in such city, or nty, for the period of thirty days: vever, that if, upon application of shal to the police judge, it shall ap- h property is perishable, such judge ch fire marshal to make sale thereof tice as in the opinion of such judge onable. The proceeds of all such r with an account thereof, after de- xpenses, shall be by him deposited surer of such city, or city and coun- d by such treasurer, subject to the owner of such property. Such fire l, from time to time, file with the city, or city and county, under oath, nd description of all property in his under his control and sold by him, the amount of money by him depos- treasurer of such city, or city and

Maintain fire-alarm.

30. To maintain a fire-alarm and police graph in such city, or city and county.

Regulate drifting of sand.

31. To require the owners of lots to pr sand from drifting, being blown, or othe moved therefrom, into or deposited upon any ed, planked, or macadamized street, alley, park, thoroughfare, or other public property to enforce all such regulations by sufficient and penalties.

Maintain house of correction.

32. To maintain, regulate, govern, manage carry on a house of correction, and to utilize in and thereby the labor of all prisoners comm to the jail or house of correction of such ci city and county, by the police courts and th perior courts; to prescribe rules of commi and detention of prisoners, hours of labor, a necessary rules, regulations, and restrictio the proper operation of said institution. All oners sentenced to a term in the county j house of correction, shall be deemed to have sentenced to labor during such term. The j of police courts and of the superior cour such city, or city and county, may sentence nals to the house of correction when, in the ment of such judge, the criminal is too you be sentenced to the state prison, or when deemed better for the well-being of the pri No person shall be sentenced to imprisonm the house of correction for a shorter or term than that for which he might be sent in the jail of such city, or city and county, the state prison; and in no case whatever shorter term than three months nor for a term than three years. No person who mi sentenced to imprisonment in the state shall be sentenced to imprisonment in the of correction if he is more than twenty-five of age, if he has been once before convicte felony, or twice before convicted of petit la nor unless, in the opinion of the court, imp ment in the house of correction will be mo his interest than imprisonment in the state and equally for the interest of the public.

lous conviction may be found by the
idence introduced at the time of sen-
oard of aldermen of the city, or city
shall appoint a competent superin-
house of correction of such city and
hall also be treasurer of said house
and who shall give good and suffi-
n a sum, and with sureties, to be
aid board of aldermen, for the faith-
of his duties, and to whom shall be
to be fixed by them, not to exceed
nd fifty dollars per month, payable
d superintendent shall only be re-
t and sufficient legal cause, after a
artial investigation of his case by
aldermen. He shall, immediately
ointment, and when authorized by
aldermen, appoint, subject to the ap-
, such subordinates as may be
sary by the board of aldermen; and
h subordinates shall be fixed by said
ermen, not exceeding one hundred
nth to each party so appointed. The
shall manage the general inter-
titution; see that its affairs are con-
rdance with the requirements of this
such by-laws as the board of alder-
time to time adopt for the orderly
l management of its concerns; to see
scipline is maintained therein; to
yment for the inmates; adjust and
ms against the institution. And all
by said board of aldermen for the
of said institution, and not contrary
f this state, shall be binding, in all
said superintendent, officers, and
said superintendent shall each year
ubmit, under oath, to the board of
port of the concerns of said institu-
erintendent shall reside at the house
have charge of its inmates and prop-
its treasurer; keep accounts of all
nd expenditures, and of all such
account in such manner as the said
ncil may require, and hold all books
en to their inspection.

Maintain an industrial school.

33. To maintain and regulate an in
school for the detention, management, r
tion, education, and maintenance of such c
under the age of eighteen years, as shall
mitted or surrendered thereto by the co
such city, or city and county, as vagrants
an idle or dissolute life, or who shall be co
by the police or superior court of any c
misdemeanor, or who, being tried for any c
misdemeanor in such court, shall be foun
under fourteen years of age, and to have
act which, if done by a person of full age
be a crime or misdemeanor; and said co
empowered to regulate the commitment,
tion, and discharge of such children, and t
nate and prescribe the causes, terms, and
tions thereof; and the said police court and
ior court shall have power to adjudge th
persons so convicted shall be so imprisone
persons so convicted shall remain at said
trial school until he or she shall attain m
unless a shorter time shall be fixed by sai
in the commitment. Such children shall
at such employments and be instructed
branches of useful knowledge as may be
to their age and capacity. The municipal
may provide for binding out such children
prentices during their minority, to learn
trades and employments. There shall be
intendent of said industrial school, to be
ed by the board of aldermen. He shall b
ed a public officer, whose salary shall not
two hundred and fifty dollars per month
such other employees as may be necessar
salary not to exceed one hundred dolla
month each. Such police and superior c
either of them, upon the application of th
of aldermen, and upon its certificate that
pedient to do so, shall have power to di
any child committed to said industrial
and who is not bound out as an appren
adopted, and may in like manner dischar
child upon the application, in writing, of
ents or guardian of such child, who sh
have been bound out or adopted, and af

n writing, to the board of aldermen,
earing of the application, such police
rior court shall consider that such
expedient.

s-house etc.

blish and maintain an alms-house,
unty hospital, a small-pox hospital,
er institutions of the same charac-
nay be necessary, and to perpetuate
ons as may have been heretofore
such cities, or cities and counties,
orporated.

udgment.

r paid out of the general fund any
t against such city, or city and

ntain, regulate, and govern a public
limits within which animals shall
ge, and appoint pound-keepers, who
for out of the fines imposed and col-
owners of impounded animals, and
source.

of water front.

y and order paid out of the street-
nd such sums as may be deemed
improvement of streets bordering
front, and improvement of sewers
front of public property.

gent dead.

y and order paid out of the general
ns as may be necessary for burying
ead.

counsel.

y and order paid out of the general
ns, not to exceed five thousand dol-
he fiscal year, as may be deemed
the employment of special counsel.

regulations.

ct such general and special police
such city, or city and county, as
he health, comfort, and security of
s, the safety and security of prop-
and to enforce the same therein.

Regulation of offices and departments.

41. To make needful rules and regulat
the administration, care, and maintenan
conduct of all departments and offices
city, or city and county, when not othe
this chapter provided for, so as to secu
perfect safety of the public funds, and
efficiency in all departments of the serv
to enforce the observation of such rules a
lations, and to authorize the appointment
additional clerks, assistant deputies,
ployees as in their judgment may be n
for the proper discharge of the duties of
fices and departments.

General fund.

42. To appropriate the moneys derived f
revenue of such city, or city and county, t
eral fund, and such funds as have bee
tofore or shall be hereafter established by
the said council, and as shall be necess
the proper and economical administration
city, or city and county.

Free library.

43. To establish, maintain, and regul
public libraries and reading-rooms, and
petuate such free libraries and reading-r
may have been heretofore established in
ies, or cities and counties, heretofore incor

Law library.

44. To provide, fit up, and furnish, and
with fuel, lights, stationery, and all neces
tendance, conveniences, and care, rooms
ient and accessible to the courts, sufficient
use and accommodation of a law libra
those who have occasion to use it, and a
by the officers having the government of
brary, and to perpetuate and in the same
provide for any law library now existing
city, or city and county, the use of wh
been secured by law to the courts, the bar,
city, or city and county, government. Th
cipal council shall have power, and it
their duty, to appropriate, allow, and ord
out of the proper fund such sums as ma
cessary therefor.

asary.
blish and maintain a free medical
d to perpetuate any such hereto-
n such city, or city and county.

nittee.
int a committee of five, three from
aldermen and two from the house
aldermen, to be denominated the
mittee," to superintend the con-
uildings hereafter to be constructed
or city and county, or now in prog-
uction therefor, and to appoint a
uch committee, and to fix his com-
, if necessary, also to appoint a su-
nd architect therefor, fix their re-
ensation, and require of such su-
nd architect to execute bonds, with
onditioned for the faithful perform-
uty, in such sums as may be deemed

y into wards.
le the city, or city and county, by
twelve wards, to fix the boundar-
d to change the same from time to
, that no change in the boundaries
hall be made within sixty days next
e of said general election, nor with-
ths after the same shall have been
altered.

ection of revenue.
ide for the levy, collection, and ap-
revenue heretofore by law provid-
ted for the erection and completion
building in and for such city, or city
the manner as heretofore provided
this state for the levy, collection,
tion of the same.

lization.
municipal council shall constitute a
alization for such city, or city and
s such shall have the powers con-
general laws regulating the assess-
ection of taxes, when not inconsist-
provisions of this chapter.

Definition of public streets.

Sec. 66. All the streets, lanes, alleys, pla
courts, as laid down on the official map o
city, or city and county, and all other
lanes, alleys, places, or courts now dedic
open to public use, are hereby declared to b
public streets, lanes, alleys, places, or cou
the purpose of this chapter; and the mu
council is invested with jurisdiction to ord
of the work mentioned in section sixty-se
this act to be done on any of said streets,
alleys, places, or courts, when the grade and
of said streets, lanes, alleys, places, or cour
been officially established; and for the purp
this chapter the grade of all intermediate
tersecting streets, lanes, alleys, places, or
in any one block shall conform to the
as established of the crossings of the main

Grading streets.

Sec. 67. The municipal council is here
thorized and empowered to order the wi
any portion of the said streets, lanes,
places, or courts graded or regraded to the
grade, planked or replanked, paved or re
macadamized or remacadamized, piled or
capped or recapped, and to order sidewalk
ers, cess-pools, man-holes, culverts, curbin
cross-walks to be constructed, and to ord
streets and sewers cleaned, and to order a
er work to be done which shall be neces
make and complete the whole or any por
said streets, lanes, alleys, places, or cour
they may order any of the said work to
proved; and when any street, or portion of
has been or shall hereafter be constructed
satisfaction of the municipal council and
perintendent of streets, and shall have
sewer, or cement or iron-stone pipe cons
therein, under such regulations as said mu
council shall adopt, the same shall be a
by it, and thereafter shall be kept open a
proved by such city, or city and county,
pense thereof, together with all work d
front of city, or city and county, property
paid out of the street-department fund, o
property fund; provided, that the municipa

accept of any portion of the street
entire width of the roadway (includ-
g and one block in length, or one
); and provided further, that it
or conditionally, accept any street,
a street, without a sewer or pipe
ve stated, if a sewer or pipe there-
emed by them unnecessary; but the
reviously assessable for the cost of
a sewer or pipe shall still remain
ble for such cost, and for the cost of
storation of the street damaged in
uction, when thereafter a sewer or
eemed necessary, the same as if no
ditional acceptance had ever been
superintendent of streets shall keep
register of all accepted streets, the
dexed so that reference may be
reto.

ent for work on private property.
municipal council may order work
this chapter, the cost and expense
de chargeable, or may be assessed
roperty by special assessment, to
otice of its intention so to do in the
olution describing the work, and
lerks of both branches of the muni-
as been published for the period of
e paper doing the printing for such
nd county, and also in two daily
ne of which newspapers shall be
morning edition and one as an
n, printed and published in such
d county, for five days, Sundays
l days excepted; provided, that no
ll be given or order made for the
street, unless the majority of the
e lots and land fronting on the
to be done, and described in said
hich is to be made liable for such
t public property, shall have been
the owners thereof, or by their
tition to the said municipal coun-
they are the owners and in posses-
of the lots named in the petition,
sting that such improvements or

street work shall be done. All owners of
lots, or portions of lots, who may feel ag
or have objection to the ordering of the w
scribed in said notice, or who may have o
to any of the subsequent proceedings of
nicipal council in relation to the work me
in such notices of intention, or may have
jections to any of the acts of the superin
of streets, and the city, or city and coun
veyor of such city, or city and county, in
charge of any of the obligations or duties
ed upon him or them by virtue of their
shall file with the clerk of either branch
municipal council a petition or remon
wherein they shall set forth in what respe
feel aggrieved, or the acts or proceedings t
they object, which petition or remonstran
be passed upon by the municipal council,
decisions thereon shall be final and con
but the municipal council shall not order t
described in said notices to be done unless
jections and protests that may have been
ed and filed as aforesaid shall have been
disposed of. Should the owners or agents
than one half in frontage of the lots an
fronting on the work proposed to be do
designated in said notice or resolution,
to be assessed for work, file with the
either branch of the municipal council wri
jections against any grading described in
tice, at any time before the expiration of
lication of said notice of intention, and th
cation thereof, as hereinbefore provided, t
thereupon the municipal council shall be
from proceeding further for the period
months, and shall not renew the notice
tion for doing any street work so protested
within six months, unless the owners or a
a majority of the frontage of the lots a
fronting on said street work, or liable t
sessed therefor as aforesaid, shall petitio
for the work to be done. At the expiratio
notice of intention, the municipal council
deemed to have acquired jurisdiction to or
work to be done which is authorized by th

further provided, that where any
hall have been graded, or graded
zed, or graded and paved, for the
ne or two blocks upon each side
one or two blocks or crossing of a
not improved, it shall be the duty
al council, upon the recommenda-
erintendent of streets, to order the
in this section to be given without
ovided first aforesaid; and if the
e fourths of the frontage of the
fronting on such portions of said
aded or improved shall, within the
in said notice, file written objec-
provement of the said street, such
be a bar for six months for the
ork or making said improvement,
ne work or improvement proposed
the construction of sewers, man-
, cross-walks, and side-walks, the
cil shall duly consider said objec-
dering said work; and if it shall
are by an entry in the minutes of
hereof that the objections so made
ereupon it shall be deemed to have
iction to order any such street
e that is described in said notice;
r, that when one half or more of
nking, macadamizing, paving, side-
vering of any one street, lying be-
n street-crossings, has been already
municipal council may order the re-
n grading, planking, macadamizing,
king, or sewering to be done, not-
ne objections of any or all of the
s.

pelling certain street work to be

owners of more than one half in
and lands fronting on any street,
ce, or court, mentioned in section
s act, or their duly authorized
ition the said municipal council to
e work mentioned in section sixty-
ct to be done; and the said board
work mentioned in said petition to

be done, after notice of their intention so
has been published as provided in section
eight of this act. No order or permission sh
given to grade, or pile and cap, any street
alley, place, or court, in the first instance,
portion thereof, without extending or comp
the same throughout the whole width o
street, lane, alley, place, or court. When an
work has heretofore been done, or when an
work shall hereafter be done, in violation
section, neither the lots or portions of
front of which such work has been or may b
hereafter, nor the owners thereof, shall
empt from assessments made for the payu
the work afterwards done to complete said
lane, alley, place, or court to its full wi
provided in this chapter.

Map to be transmitted.

Sec. 70. At the expiration of publication
notice, the clerk of either branch of the mu
council shall cause to be transmitted to th
or city and county, surveyor, and to the s
tendent of streets of such city, or city and
a copy of the resolution, order, or ordinan
thorizing the said street work. The said s
shall thereupon, within fifteen days from th
pletion of the publication mentioned in t
section, transmit to said municipal council
of the district to be benefited by said str
provement; which map shall show the rela
cation of each lot to the work proposed to b
and be signed by said surveyor. The supe
dent of streets shall also thereupon, wit
teen days from the completion of said publ
transmit to the municipal council an estim
the cost and expense of said improvement
said estimate shall contain the items cor
the gross sum estimated, and shall be sig
said superintendent.

Adoption or modification of map.

Sec. 71. The municipal council shall, at
meeting after the receipt of such map a
mate, or as soon as may be practicable
adopt, modify, or reject the same, and
final action upon said map and estimate, th
shall be transmitted to said superinten

shall record the same in a book to
im for such purpose; and the said
shall forthwith prepare plans and
for such street work, and the clerk
ach of the municipal council shall
onspicuously posted in the office of
ndent, and also published five days
days excepted) in the newspapers
nentioned, a notice inviting sealed
ontract for the work contemplated
ed; such work not to be performed,
ct for the same made or entered in-
the moneys sufficient for the pay-
sts and expenses thereof shall have
ollected, and paid into the treasury
or city and county, as hereinafter
h notice shall substantially contain
specifications above mentioned; and
olutions, and orders required to be
lished under the provisions of this
e posted or published, or both post-
ed, as the law may require, by said
tter of course, and without any spe-
or authority from said municipal
said superintendent shall furnish
for the performance of any and all
dered by the municipal council and
this chapter, and the time within
rk must be completed after entering
ct for doing the same. All propos-
livered to the clerk of either branch
al council, and the house of which
shall, in open session, open, exam-
cly declare the same; and all pro-
e for a price payable in gold coin
States; provided, said municipal
eject any and all proposals should
for the public good, and also may
oposals of any party who may
linquent or unfaithful with any
t with such city, or city and county;
osals shall be rejected, the munici-
ll direct the clerk of either house
in post said notice, and publish the
first instance. All proposals shall
d with a bond to such city, or city

and county, to be approved by the clerk o
house of said municipal council, in the sum
thousand dollars, and in such additional
as may be fixed by said superintendent of
with two good and sufficient sureties, wh
be freeholders of such city, or city and
said sureties to justify in double the amou
ditioned that the party making such p
shall, or will, within ten days after notic
said superintendent that the moneys for t
and expenses for such work have been p
the treasury, enter into a contract with su
or city and county, in pursuance of such p
and to commence such work within five d
ter the execution of such contract, and c
the same within the time mentioned in t
plans and specifications, or either of th
within any extended time; it is further p
that all persons proposing, owners include
shall fail to enter into any contract as her
vided, or to complete the contracts enter
are hereby prohibited from proposing a
time for the same work; and in case of
they are hereby prohibited from electing
the same work a second time, and from
into any contract concerning the same.
time within five days after such money h
paid into the treasury, the owners of a
of the frontage of lots and lands liable t
sessed for said work, or their agents, a
shall make oath that they are such ow
the agents of such owners, may elect to
said work, and to enter into a written con
do the whole work at the price for wh
same is awarded, upon giving the bond as
after provided: and they shall commen
work within five days after the execution
contract, and shall prosecute it diligently
tinuously, and complete it within the time
in the contract, or within any extended t
should the said contractor, or the property
fail to prosecute the same diligently or con
ly, in the judgment of said superintendent,
plete it within the time prescribed in the
or within the extended time, then it shall
duty of said superintendent to report the

l council, who shall immediately or-
of either branch of the municipal
vertise for proposals as in the first
relet the contract in the manner
provided; and it is further provided,
actors for street work shall, at the
ng into said contract, execute a bond
ch city, city or county, with two or
, in the sum of not less than one
ars, and in such additional amount
xed by said superintendent, condi-
e faithful performance of said con-
d sureties shall justify in double the
e penalty fixed in said bond; such
stify before said superintendent or
nd the qualifications and responsibil-
ureties shall be the same as prescrib-
s on the official bonds of the officers
or city and county; and it is further
t in case of the non-fulfillment by
n either of the bonds mentioned in
of the conditions thereof, it shall be
he city, or city and county, attorney
d collect the sum in said bond men-
court of competent jurisdiction, and
into the city and county treasury,
of the proper fund.

ter the proposal shall have been re-
onsidered by the municipal council,
ndent of streets shall make an as-
roportion to the benefit upon all the
istrict shown upon said map. Said
hall show the work proposed to be
imated cost thereof, the rate per
sessed against each lot within the
istrict, the amount of each assess-
ne of the owner of each lot, or por-
known to the superintendent, and if
be unknown, the word "unknown"
ten opposite the number of the lot
sment made to a person not the own-
render such assessment illegal), and
ssessed thereon, the number of each
of lot, assessed, and shall have at-
a diagram showing the assessment

district, and the relative location of each
sessed to the work proposed to be done, e
being numbered in said assessment and di
and when completed, shall be signed by s
perintendent, and transmitted to the board
dermen.

Notice of hearing objections to assessmen

Sec. 73. At the first meeting of the b
aldermen, after the receipt by it of the
ment made by said superintendent, as soo
after as may be practicable, it shall cause
of the time and place of the hearing of
jections to said assessment to be published
least five days (Sundays and non-judicial d
cepted), prior to the time of such hearing,
daily newspapers, one published as a morn
ition and one as an evening edition, in su
or city and county. All objections shall b
in open session of said board of alderm
said hearing said board of aldermen ma
modify, or confirm said assessment, as
deem proper; and said superintendent shal
upon record said assessment and diagra
book to be kept by him for that purpose.
so recorded, the several amounts assesse
be deemed a tax levied upon the lands de
in said assessment and diagram, upon whi
are respectively assessed, and shall be a li
such parcels of land. Said superintende
give to each assessment a number by wh
fund collected for said work shall be kno
shall immediately after the record of said
ment, as hereinbefore provided, deliver t
assessment and diagram to the tax colle
such city and county, who shall thereupo
to be published for ten successive days (S
and non-judicial days excepted), in two
pers of general circulation, one of which
published as a morning edition and one
evening edition, published in such city,
and county, a notice containing a descri
the proposed improvement, and of the po
street or streets upon which the same is p
to be done, that the same is in his hands
lection; that if said assessment is not paid
fifteen days from the date of the last pub

ce, that the same will be delinquent;
operty assessed, and upon which the
remains unpaid, will be sold by said
for said assessment, a brief descrip-
roperty assessed, the amount assess-
and the time and place of sale, which
less than five nor more than ten days
delinquency.

erty for unpaid taxes.
n the day fixed for the sale, said tax
tween the hours of ten A. M. and
must commence the sale of the prop-
sed, upon which the assessment re-
d, and sell the same at public vendue,
of said tax collector, to the person
e the least quantity of the respective
nd assessed, and pay the assessment
ether with two dollars to said tax col-
e duplicate certificate of sale. If the
es not forthwith pay the amounts of
nt and costs by him bid, the tax col-
immediately proceed to sell such par-
s again, in the same manner, for the
aid assessment and costs.

rtificate.
fter receiving the amount of the as-
d costs, said tax collector must make
ate a certificate, dated on the day of
g the name of the person assessed,
, a brief description of the property
reet improvement for which the as-
s levied, the number of the assess-
t was sold for an assessment, the
eof, that the same is subject to re-
any time within one year after sale,
ng the date when the purchaser will
o a deed; and upon payment to said
of the fee for recording the same,
ector shall deliver one of such dupli-
purchaser, and the same day file the
office of the recorder of the county,
county, who shall record the same.

en.
pon filing the said duplicate in the of-
recorder, the lien aforesaid is vested
aser, and is only divested by payment

to him, or to the treasurer of such c
and county, for his use, of the purch
and costs, and two per cent per mont
tion of a month up to date of redemp
on. A redemption of the property so
made by the owner. or any party in int
in twelve months from the date of pu

Deed to purchaser and conclusions of

Sec. 77. If property is not redeem
twelve months from the date of such s
collector must make to the purchaser,
signee a deed reciting substantially t
contained in the certificate, and that no
deemed the property during the time
law for its redemption. The matters re
certificate of sale must be recited in th
such deed, duly acknowledged, shal
facie evidence that:

1. The property was assessed as r
law;

2. That the assessment was not pai

3. That the property was sold at
time and place, and by the proper offi

4. That the person who executed th
the proper officer therefor;

5. That the title to the property
scribed is vested in the purchaser, h
assigns, free from all incumbrances, e
for purposes of revenue.

Payment into treasury by tax collecto

Sec. 78. Said tax collector shall dail
the treasury of such city, or city and co
credit of the proper street-improvemer
moneys collected by him on account of
and shall, upon the receipt of any
mark the same paid upon the assessme
shall receipt to the person paying the
for, which receipt shall show the num
street-improvement fund, the work
number of the lot upon which the as
paid, and the amount thereof.

Certificate of payment into treasury.

Sec. 79. When the full amount of s
ment has been collected by said tax co
said collector shall certify to the sup

: the same has been collected and
treasury of such city, or city and
the receipt of such certificate from
tor, the said superintendent shall
fy the person whose proposal shall
epted by the municipal council, as
ne payment of such money into the
that such city, or city and county,
er into a contract with such person
in pursuance of said proposal; and
dent shall hold himself in readiness
d contract on behalf of such city,
unty. The board of aldermen may
ne of performance of the contract,
contract of specifications, upon the
n of said superintendent; but the
rformance shall in no event be in
tended beyond sixty days after the
such specifications or contract for
of said work.

ontractor and publication of notice.
enever any contract shall have been
the satisfaction and acceptance of
dent of streets, he shall deliver to
a certificate to that effect, and shall
d board of aldermen that said work
ent, and the contract therefor, have
l to his satisfaction and acceptance,
s given to said contractor his certifi-
ffect. Thereupon said board of al-
irect the clerk of said board to give
ication for five days, in a newspaper
circulated in such city, or city and
aid work and improvement, and the
or, have been completed to the sat-
acceptance of the superintendent of
city, or city and county.

perty owner.
y person owning property which has
to pay the cost and expenses of
l improvement, feeling aggrieved at
which such work and improvement
n done, or feeling aggrieved at any
ination of said superintendent of
tion to said work and improvement
the date of the execution of the con-

tract therefor, shall, within five da
first publication of said notice, ap
board of aldermen by briefly stating
tions in writing, and by filing the sa
clerk of said board. At the meeting
next ensuing after the expiration of s
allowed above for filing said objecti
board, if no objections have been fil
resolution, ratify and confirm all said
superintendent of streets, and shall
work and improvement. But if any
tions last aforesaid shall have been
said five days, then said board shall
for hearing such objections, and sha
clerk of said board to notify all pers
of being heard upon said objections
and place when and where said boa
all parties desiring to be heard upo
Said notice shall be in writing, and sh
by posting the same in three of the m
uous public places in such city, or ci
ty, and published five days in two d
pers (one morning and one evening
least five days before the time set fo
ing. At the time and place fixed for
of said objections, said board shall pro
all parties present and desiring to be
the matters specified in such obje
whenever said board shall have det
personal inspection or otherwise, tha
and improvement objected to have b
ed in all respects according to the co
for, they shall, by resolution, accept sa
improvement, and ratify and confirm
of said superintendent of streets in re
to.

Notice to superintendent of streets.

Sec. 82. If, upon such hearing, sa
aldermen shall determine, by person
or otherwise, that said work and
have not been performed according to
therefor, then they shall notify the s
tendent of streets to that effect, specif
notice to him the particulars in whi
tract has not been performed. And s
tendent of streets shall thereupon at

r to complete said work and im-
ler the contract therefor in those
cified by said board in said notice
ntendent of streets. Whenever said
ertain that said work and improve-
n completed in all respects accord-
ms of the contract therefor, they
lution, accept such work and im
ll acts and determinations of said
rmen upon appeals, under the pro-
s and the next preceding section,
and conclusive upon all persons en-
ppeal thereunder.

ntractor.

henever any work or improvement
en so completed upon any street,
urt, or place in such city, or city
r the payment of costs and expenses
sessment shall have been levied and
the provisions of this act, the said
men shall, by resolution, direct the
ay out of the appropriate fund, at
of fifteen days from the passage of
n, to the contractor who shall have
said work and improvement, the
ch he is entitled under the terms of
provided, however, that such pay-
easurer shall be made subject to the
visions, to-wit: that any person or
ave performed labor upon or fur-
ls for the construction of said work
t, may file within said fifteen days,
rer, any written claim or claims he
ave on account of such labor per-
erials furnished; and at the expira-
teen days, said treasurer shall pay
ctor the amount specified in said
olution, less the aggregate amount
ims, if any, theretofore filed in ac-
h the provisions of this section.
oney be retained by said treasurer
such claim or claims, he shall pay
nt of each claim only upon the or-
f said contractor, indorsed by the
ed thereto, or upon the order there-
rt of competent jurisdiction.

Repayment of moneys.

Sec. 84. And when all moneys rec
paid by the said treasurer, under the
ing section, shall have been by him
quired in said section, if there is any
maining in the fund out of which sai
shall have been made as aforesaid, it
duty of said treasurer immediately to
amount of said remaining moneys to s
aldermen. Thereupon it shall be the
board to empower and direct said trea
tribute and repay such remaining mo
the proportion of the amounts of the
sessments, to the persons by or for
original assessments were paid, or to
representatives. And it shall be the
treasurer, in each instance of such re
require, receive, and file away a rec
proportionate amount from said pers
legal representatives. And in no case
tractor who has failed to fulfill the
conditions of his contract be entitled
any portion of the contract price there
shall be deemed to have forfeited all
cover or receive any compensation w
der said contract.

Kind of labor on accepted streets.

Sec. 85. No contract to do any wor
accepted streets, other than cleaning
sewers, shall be let, but such work sh
under the direction of the superin
streets, by laborers employed by su
city and county, through said superi
such wages as may be from time to ti
the municipal council. All contracts f
necessary to be used for work on acce
must be given by the municipal council
est bidder offering adequate security,
public notice, for not less than five
least two newspapers published in s
city and county.

Repairing streets, sewers, etc.

Sec. 86. In case of urgent necessity
intendent of streets may, and it shall
to, repair any of the unaccepted pub
sewers, or crossings cornering there

same shall be paid out of the street-
nd, in the same manner as provided
vement of accepted streets; and all
all be made in uniformity with the
epaired, but such repairs between
ts shall not exceed in cost the sum
d dollars, and the repairs of any
not exceed in cost the sum of one
s; provided, the sums so expended
d the sum of two thousand dollars
nth. Such work, and the material
be performed and provided in the
as provided in the foregoing section
bor and material for accepted

n city for damage for accident on
reet.
recourse shall be had against such
d county, for damage to person or
ed or sustained by or by reason of
condition of any street or public
h city, or city and county, whether
ting or occasioned by construction,
embankment, or want of repair of
public highway; and whether such
casioned by accident on said street
vay, or by falling from or upon the
ny person while carefully using any
e highway of such city and county,
course of being graded, or carefully
r street or public highway leading
g the same, be injured, killed, lost,
or any horses, animals, or other
t, injured, or destroyed, through any
street or public highway, graded,
f being graded, as aforesaid, or by
excavation or embankment in or of
falling from or upon such embank-
vation, then the person or persons
e law may impose the duty either to
fect or to guard the public from the
nbankment, or grading aforesaid,
fficer or officers through whose offi-
ich defect remained unrepaired, or
n or embankment remained un-
oresaid, shall be jointly and several-

ly liable to the person or persons injured
damages sustained.

Improvement of streets by property own

Sec. 88. The superintendent of streets
quire, at his option, by notice in writing,
livered to them personally or left on the
the owners, tenants, or occupants of lots o
of lots liable to be assessed for work do
the provisions of this chapter, to impro
with any of the work mentioned in secti
seven of this act in front of the property
he is the owner, tenant, or occupant, to t
of the street or otherwise, as the case ma
or to remove all filth, sand, earth, or dirt
street in front of the premises; and, by
tice, to be served personally upon the pre
any officer of a railroad corporation or
or to be left at the office of said corpo
company, to require such corporation or
to improve forthwith any work mentione
chapter, which said corporation or com
required by law to do and perform; said
specify what improvement is required o
to be done. After the expiration of five
such notice shall not have been compl
such proceedings shall be taken by the
thorities to cause the moneys necessary f
ing of such work to be paid into the tr
is hereinbefore provided in reference to
improvements upon unaccepted streets,
paid for in the same manner.

Notice, how served.

Sec. 89. Notices in writing, which are
to be given by the superintendent of st
der the provisions of this chapter, may
by any police officer, or by any male ci
the age of twenty-one years; and the fa
service shall be verified by the oath o
son making it, taken before the super
(who is hereby authorized to administer
any other person authorized to adminis
The superintendent of streets shall keep
of the fact of giving such notices and pr
vice, and shall keep the original proof
Levy of taxes.

Sec. 90. 1. On or before the fourth M
July, annually, the municipal council of

ounty, shall levy the amount of taxes
ty and county, purposes, required by
vied upon all property not exempt
; said amount to be such as the said
eem sufficient to provide for the pay-
emands upon the treasury authorized
paid out of the same; provided, that
, exclusive of any and all special
which hereafter may be authorized
not in the aggregate exceed the rate
upon each one hundred dollars val-
property assessed; provided further,
municipal council shall, in making
of taxes, apportion and divide the
d, and to be collected and applied to
pecific funds known as the corpora-
d, general fund, school fund, street-
reet-department fund, or other fund
y law or by the said council, accord-
imate of said council of the necessi-
aid funds, except that the rate for
d shall not exceed thirty-five dollars
who shall have attended and been
eceding year; and provided further,
municipal council shall authorize the
of said money for the purposes here-
ed; and at the close of each fiscal
council shall direct the treasurer to
rplus moneys of all funds, excepting
d, after liquidating or providing for
g demands upon said funds, to the
but no money shall be transferred
the said funds to another, nor used
demands upon such other fund, un-
ebtedness arising in any fiscal year,
out of said funds so raised for said
all have been paid and discharged.

ebt fund.

oration debt fund shall be applied to
the payment of the interest, and to
provide for the extinguishment of
ontracted funded debts of such city,
ounty, in accordance with laws in
me of the organization of such city,
ounty, under this act.

ws—56

General fund.

3. The general fund shall be applied for the payment of all sums authorized be paid out of the general fund, and wise provided for in this chapter.

School fund.

4. The school fund shall be applied for the payment of all sums authorized be paid out of the school fund.

Street-light fund.

5. The street-light fund shall be a used in the payment for lighting the such city and county, and for the repai and posts, in pursuance of any existing legal contract of such city and county.

Street department fund.

6. The street department fund shall and used for repairing and improving lanes, and the crossings thereof, which been or hereafter may be accepted, so as a charge upon such city and county; fo streets, lanes, crossings and sewers; a expense of improvements of streets i school lots; for all street work in front sessable upon property belonging to suc county; for all street work on the wate such city and county, not by law assess private property; for all work authoriz said council, upon the recommendation perintendent of streets, as immediately for the safety of life, limb, or property, sary for public health, or which cannot assessed upon private property, and for er objects relating to streets and highwa be directed by law or said council to be from. All moneys received from license cles, from the income from street railro fines and penalties for violation of any dinance regulating vehicles on the publ shall be paid into the street-department

No payment of public funds unless auth law.

Sec. 91. No payment can be made treasury or out of the public funds of or city and county, unless the same be s authorized by law, nor unless the dema is paid be duly audited, as in this chapt

nust appear upon the face of it. No the treasury shall be allowed by the vor of any person, officer, company, n, in any manner indebted thereto deducting the amount of such in- nor to any person or officer hav- lection, custody, or disbursement funds, unless his account has esented, passed, approved, and at- uired by law; nor in favor of any of- ll have neglected to make his official s reports, in writing, in the manner ne required by law, or by the regu- ished by the municipal council; nor who shall have neglected or refused h any of the provisions of this or any the legislature regulating the duties er, on being required in writing to with by the president of the board of any member of the finance commit- unicipal council; nor in favor of any time he shall have absented himself ul cause, from the duties of his of- the office hours prescribed in this the auditor may examine any officer salary from the treasury, on oath, n absence.

"audited."

The term "audited," as used in this reference to demands upon the treas- understood their having been present- ssed upon by every officer and board nd finally allowed as required by law; st appear upon the face of the paper the demand, or else it is not audited.

nds to be audited.

Every demand upon the treasury, ex- ury of the auditor, and including the treasurer, must, before it can be paid, to the auditor for such city, or city to be allowed, who shall satisfy him- the money is legally due and remains whether the payment thereof from of such city and county is authorized out of what fund. If he allow it, he upon it the word "allowed," with the

name of the fund out of which it is p
the date of such allowance, and sig
thereto; but the allowance or approv
ditor, or the municipal council, or e
thereof, or any board, committee, o
any demand which, upon the face o
not to have been expressly made by
out of the treasury or fund to be ch
with, shall afford no warrant to the
other disbursing officer for paying th
demand can be approved, allowed,
paid, unless it specify each several ite
value composing it, and refer to the
date, and section, authorizing the sa

Demands of auditor, how allowed.

Sec. 94. The demand of the audi
monthly salary shall be audited and
the president of the board of aldermen
monthly demands on account of sal
ances, or compensations fixed by law
and made payable out of the treasury
or city and county, may be allowed by
without any approval. All demands
of the school fund must, before they
lowed by the auditor, or paid, be pr
proved by the board of education, or b
dent thereof, and superintendent of s
ing under express authorization of s
Demands for teachers' wages, or oth
appertaining to any school, cannot b
allowed, or audited to any amount ex
share of school money which such sc
entitled to have apportioned to it duri
rent fiscal year. All other lawful de
able out of the treasury, or any publ
such city, or city and county, and no
fore in this section specified, must,
can be allowed by the auditor in any
recognized, or paid, be first approved
nicipal council, except, if the demand
two hundred dollars, by the mayor and
bers of the board of aldermen, appoin
said board for that purpose, with powe
der and subject to its instructions and
during recess of the said board. The a
number and keep a record of all dema

ved by him, showing the number, and name of the original and pres- what account allowed, out of what , and, if previously approved, by officers, or board it has been so ap- t shall be deemed a misdemeanor in auditor to deliver any demand with thereon until this requisite shall mplied with.

minister oaths.

e mayor, mayor's clerk, auditor, au- chief of police, police commission- of the board of education, each e municipal council, and every other d by law or ordinance to allow, au- demands upon the treasury, or to other official act or function, shall o administer oaths and affirmations, hear testimony, concerning any mat- concerning any demand upon the therwise relating to their official du- officer who shall approve, allow, or and on the treasury not authorized a valid ordinance of the municipal d in accordance with the same, or the act of a board, who shall, as a of, vote for the same, shall be liable r city and county, individually, and bond, for the amount of the demand pproved, allowed, or paid. Every have the right to inspect the books r, treasurer, secretary of the board and clerk of the house of assistant any time during business hours. racts from said books, duly certified, n by the officer having the same in ny citizen demanding the same and n cents per folio of one hundred ch copies or extracts.

audited demands.

very lawful demand upon the treas- dited as in this chapter required, ses be paid on presentation, and can- e proper entry thereof be made, if icient money in the treasury belong- nd out of which it is payable; but

If there be not sufficient money belongin
fund to pay such demand, then it shall be
ed in a book to be kept by the treasurer
purpose, showing its number, when p
date, amount, name of the original ho
on what account allowed, and out of w
payable, and being so registered, shall b
ed to the party presenting it, with an
ment of the word "registered," dated an
by the treasurer.

Investigation of non-payment of audited

Sec. 97. Whenever any audited dem
been presented to the treasurer and not
it be made known to the president of the
aldermen, he shall proceed immediately t
gate the cause for such non-payment, an
ascertained that the demand has been
and fraudulently approved or allowed,
cause the officer guilty of such illegal a
ulent approval or allowance to be suspe
proceeded against for misconduct in offi
ascertains that the demand has been dul
and that the treasurer has funds app
the payment thereof, which, without r
grounds for doubt as to the legality of
ment, he refuses to apply thereto, he
ceed against him as a defaulter. If it
tained that the demand was not paid fo
funds, then he shall cause the tax col
other officer or person who ought to hav
ed or to have paid the money into the tr
they have been grossly negligent there
proceeded against according to law and
delay.

Receipts for money by all officers.

Sec. 98. The treasurer, for all money
into the treasury, and all other officer
city, or city and county, receiving money
treasury of disbursement, shall give re
all moneys by them received, which rec
be presented to and countersigned by th
The auditor, before countersigning any
ceipt, shall number it and make an en
book of record to be kept in his office for
pose, of the number, date, and amount,
and in whose favor given, and on what

ceipt shall be valid as evidence in fa-
person or officer receiving it till present-
auditor and countersigned as aforesaid;
rson or officer using or offering to use
t as evidence in favor of such person
of the payment specified in it, without
countersigned as above required, shall
uch city, or city and county, double the
money specified in such receipt.

ainst auditor and other officers.
f any person feel aggrieved by the de-
he auditor, or other proper officer or
such city, or city and county, except
of education, in the rejection of or re-
prove or allow any demand upon the
esented by such person, he may appeal
he same passed upon by the municipal
ose decision thereon shall be final; and
council shall approve and allow the de-
hall afterwards be presented to the au-
ntered in the proper book, in like man-
r demands allowed by him, and an in-
must be made of its having been so en-
re it can be paid; but nothing herein
hall be construed to bar the party pre-
claim from prosecuting the same in
f competent jurisdiction; provided, that
ecision of the president of the board of
and superintendent of schools, refusing
eing to allow any demand payable out
l fund, the appeal shall be taken to the
ducation, whose decision shall be final;
herein contained shall be construed
party presenting the claim from prose-
same in any court of competent juris-

city attorney.

In all cases of such appeals to the
council, or the board of education, if,
ion of said council or of said board
pedient, the opinion of the city, or city
. attorney shall be required, and ob-
riting, read, and filed; and upon such
in all other cases upon the approval
e of any demand upon the treasury or
, the vote shall be taken by "yeas" and
d entered upon the records.

Examination of books of treasurer and ot
ficers.

Sec. 101. The president of the board o
men, in conjunction with the auditor
chairman of the house of delegates of su
or city and county, shall, every month, e
the books of the treasurer and other offi
such city, or city and county, having the
tion and custody of the public funds, and
permitted, and it shall be their duty, to
count over all the moneys remaining in th
of such treasurer, or other officer, after
previously ascertained the amount which
be remaining in his hands. The finance co
shall also, twice a year, viz., on the first
in July and January, make the same e
tion of books, count said money, and re
result to the municipal council. If they a
clearly that such treasurer, or other offic
defaulter, they shall forthwith take posse
all funds, books, and papers belonging to
fice, and the president of the board of a
shall appoint a person to fill the same u
said defaulting officer can be proceeded
according to law, which shall be done
delay, and until the said officer shall be
to duty or office, or until his successor
appointed, or elected and qualified. The p
appointed shall give bonds and take the
office in the same manner as was require
officer whose place he is appointed to fill.
treasurer, or other officer so discharge
faulter, be acquitted thereof, he shall res
duties.

One-twelfth law.

Sec. 102. Neither the municipal cou
board of education, nor any other board,
sion, committee, officer, or person, shall ha
er to authorize, allow, contract for, pay, o
payable, and they are prohibited from
ing, allowing, contracting, paying, or re
payable, in present or future, in any one
any demand or demands, liability or li
against the treasury of such city, city a
ty, or the funds thereof, which shall, in th
gate, exceed one twelfth part of the am
lowed by laws existing at the time of su

rization, allowance, payment or lia-
expended within the fiscal year of
month is a part; provided, however,
ie beginning of any month, any mon-
unexpended in any of the funds set
aintaining the municipal government
or city and county, and which might
e been expended the preceding month,
nded sum or sums may be carried for-
xpended by order of the municipal
the same purpose allowed by law in
ng month of the fiscal year. All con-
rizations, allowances, payments, and
pay, made or attempted to be made,
of this section, shall be absolutely
all never be the foundation or basis
gainst the treasury of such city, or
nty; and all officers of such city, or
nty, are hereby charged with notice
tion of the treasury of such city, or
nty, and the extent of the claims
same.

rtain officers under the one-twelfth

t is the duty of the superintendent of
ep an exact account of all street and
upon accepted streets, and it shall be
he building committee to keep an ac-
work done on all public buildings and
expenditure chargeable against the
ny of the departments under charge
ing committee and officers; and it is
the superintendent of schools, the
the board of education, the president
of fire commissioners, the president
of election directors, the president of
police commissioners, and every other
ard having the power to contract any
to aid in the contraction of any de-
t said treasury, to keep an exact and
of all purchases, expenditures, and
de or contracted in their respective
and for the purpose of making such
l officers shall have power to demand
from every other city, or city and
r, detailed statements in writing,

when necessary to keep said accounts,
hereby made the duty of any and all
furnish said statements when demanded
counts shall be constantly posted up to
that it can be known exactly at any t
part or proportion of the monthly sum a
this chapter and existing laws has been
ed for, paid, or rendered liable to pay in
ent and future. Such accounts shall sh
contract for street and sewer work, pub
ings, purchases of material, or supplies,
expenditure, in whatever department it
from its incipiency through the various
progress to completion, with the amou
paid for the same so far as the same is c
exact estimation, and when not, then a
timate by the proper officer of the prob
Whenever, at any time, the contracts per
unperformed, claims due or to become
ceed said one twelfth part of the amount
be lawfully expended out of any fund h
rent fiscal year, the president of the bo
of department, or other officer or boa
the supervision of such expenditure, shal
tice thereof in writing, as to his or the
ment, to the auditor and the treasurer, s
municipal council a notice in writing, s
on the clerks of each branch thereof,
post the same in his or their office, fr
time no further contracts shall be made
ditures authorized or allowed, until such
elapsed as will allow of further proceed
sistent with the provisions of the law.

Penalty for non-compliance with law.

Sec. 104. Any failure or neglect on th
any of said officers or boards, or me
boards, to comply with any of the provisi
preceding sections, shall render such of
each member of such board consentin
liable personally and upon his official bo
contractor or other person suffering da
said failure or neglect; but such contract
son damaged shall have no remedy aga
city, or city and county, and the said
members of boards authorizing or aidi
thorize, auditing, or allowing any claim c

gainst said treasury, or any fund there-
ravention thereof, shall be liable in per-
n his official bond to the contractor or
maged, to the extent of his loss. The
paying any claim authorized, allowed,
in contravention of the provisions
all be liable on his official bond to re-
same to such city, or city and county,
all be the duty of the city, or city and
torney to sue for the same, if necessary.

to operation of one-twelfth law.

In case of any great public calamity or
ch as earthquakes, conflagrations, pesti-
asion, insurrection, or other great and
emergency, the provisions of the three
sections may be temporarily suspended,
lawful contract, authorization, or ex-
necessary to avert, mitigate, or relieve
provided, that such expenditure, con-
uthorization shall be passed by the un-
ote of all members elected or appointed
ouse of the municipal council, and en-
e journals of each house, and the char-
fact of such emergency must be recited
linance authorizing such action; and
ance must be approved by the mayor,
nd treasurer of such city, or city and

nd advertising must be let to lowest bid-

All city, or city and county, official
nd advertising, for all departments
cepting that of the sheriff's office, shall
he municipal council, during the month
of each year, to the lowest responsible
nting, publishing, and proposing to ad-
a newspaper of general circulation in
or city and county, and that has been
e at the time of the letting of said con-
ast three years; and provided, that any
spaper may bid for the whole or any
advertising. The bids shall be opened
rd of aldermen, and all bidders may be
ereat. No bid shall be considered in
e shall be any erasure or interlineation.
ontracts, when awarded, shall be enter-

ed into and bonds taken by the clerk of the
of aldermen, in such sum and containin
conditions as the board of aldermen shall

Contracts, how made.

Sec. 107. All contracts relating to city,
and county, affairs shall be in writing, sign
executed in the name of the city, or cit
county, by the officer authorized to m
same; and in cases not otherwise directed
law, such contracts shall be made and ent
to by the mayor. All contracts shall be c
signed by the auditor, and registered, by
and dates, in his office, in a book to be kept
for that purpose. In all cases of letting co
to bidders, when for any reason a contra
of completion, new bids shall be invited,
and awarded, as provided in this chapter
first instance, until a sufficient contract
cuted. In all cases when the board of al
have reason to think the prices too high,
bidders have combined together to preven
ine bidding, or for any reason that the pu
terests will be subserved, it may, in its
tion, reject any and all bids, and cause th
to be readvertised. The provisions of this
to bids and contracts, shall be enforced
municipal council by appropriate ordinance
all bids, proposals, and contracts with su
or city and county, or any department the

Article IV.—Executive Department

Qualifications and duties of mayor.

Sec. 118. The mayor shall be the chief
tive officer; shall be a qualified voter,
twenty-five years of age, and shall have
citizen of the United States and of this st
a resident in such city, or city and cou
three years. It shall be his duty vigilantly
serve the official conduct of all public off
such city, or city and county, and to take
the fidelity and exactitude, or the want
with which they execute their duties and
tions, especially in the collection, custody,

d disbursement of the public funds
, for which purpose the books, rec-
cial papers of all boards, officers, and
of such city, or city and county, shall
be open to his inspection. He shall
care to see that the books and rec-
ich officers are kept in legal and prop-
d any official defalcation, or willful
uty, or official misconduct, which he
scovered, or which shall have been re-
n, shall at the earliest opportunity be
he municipal council, and before the
n order that the public interests shall
and the officer in default be proceed-
cording to law. He shall, from time
e the municipal council information
e state of such city, or city and coun-
l recommend to their consideration
es as he may deem expedient in the
he city. He shall take care that the
tate and the ordinances of the muni-
are enforced.

mpore.

Whenever and so long as the mayor,
use, is unable to perform his official
board of aldermen shall designate
number as mayor pro tempore, who
n the same.

ons of council.

The mayor may, by due notice, call
ns of the municipal council, and shall
te to them, when assembled, the ob-
ch they have been specially convened,
ions shall be confined to such objects.

uditor.

he auditor shall be the head of the fi-
ment of such city, or city and coun-
ch required to be constantly acquaint-
exact condition of the treasury, and
demand upon it. He shall keep a
, and give his personal attendance
during the office hours fixed in this
shall not follow or engage in any
tion or calling while he holds said of-
bsents himself from his office during
ours, except on indispensable official

business or urgent necessity, he shall lose
ary for the day; and it shall be a part of
cial duty to keep account of the times a
sions when he shall be so absent from d
shall be the general accountant of such
city and county, and as such it shall be
to receive and preserve in his office all
books, vouchers, documents, and papers
to the accounts or contracts of such city
and county; its debts, revenues, and oth
affairs, and to adopt a proper mode and
of double-entry book-keeping, and keep
counts of such city, or city and county,
and special, in a systematic and orderly
He shall state and render all accounts file
in his office between the city and other pe
body corporate, except when otherwise
by law or ordinance. He shall have pow
minister oaths, and shall require settlemen
counts to be verified by affidavit when
thinks proper. He shall be responsible fo
of his employees.

Duties of treasurer.

Sec. 122. The treasurer of such city, or
county, shall receive and safely keep in
fire-proof vault, to be prepared for that
all moneys belonging to or which shall be
the treasury, and shall not loan, use, or de
same, or any part thereof, to or with any
or other person, nor pay out any part
moneys except on demand authorized
chapter, and after they have been duly
He shall keep the key of said vault, and n
the same to be opened except in his prese
the closing up of the same each day he sh
an account and enter in the proper book t
amount of money on hand, and at the end
month he shall make and publish a statem
receipts into and payments from the
and on what account. If he violates any
provisions of this section he shall be co
a defaulter, and shall be deemed guilty o
demeanor in office, and be liable to remo
shall be proceeded against accordingly. If
or deposit said moneys, or any part there
trary to the provisions of this section, or a

own use, or the use of any other per-
manner whatsoever, or suffer the same
f his personal custody, except in pay-
udited demands upon the treasury, he
emed guilty of a felony, and, on convic-
, shall suffer imprisonment in the state
period not less than three months nor
ten years.

reasurer.

The treasurer shall keep the money
to each fund separate and distinct,
in no case pay demands chargeable
fund out of moneys belonging to an-
pt as otherwise provided in this chap-
t an express ordinance of the municipal
ich can only be made during or after
the third quarter of the fiscal year, by
two-thirds of each house. The said
nall give his personal attendance at his
e during the office hours fixed by this
d if he be absent himself therefrom, ex-
ount of sickness or urgent necessity dur-
ffice hours, he shall lose his salary for
day on which he was absent.

ounty clerk.

The county clerk of such city and coun-
e charge of and safely keep, or dispose
g to law, all books, papers, and records
or may be filed or deposited in his office,
the courts of which he is clerk; and he
low any paper, files, or records to leave
, except when required by the judges
ts, to be used by them or any of them.

pers not to be produced in court except
na.

No judge or officer of any court shall
order for the delivery by the county
ch city and county, of any paper, files,
in his custody, except bills of excep-
statements on motion for a new trial;
he courts, or judges thereof, have any
nake orders for the delivery of any cer-
incorporation, bonds, or other papers
he said county clerk. Whenever any of
s are required for evidence in any of
within such city and county, the county

clerk, or his deputies, shall produce the sa
subpœna or order of the court, or furnish
copies of the same on application, on pa
said clerk for said copy at the rate of ten
folio for each hundred words, which sha
into the city and county treasury by him

County clerk not to attend as witness o
city, unless his expenses are paid.

Sec. 126. Neither the county clerk nor a
deputies shall be required to attend as w
in their official capacity, outside of such
county, except in criminal cases, unles
penses be paid at the rate of ten cents pe
and from the place where he may be requ
three dollars a day for each day's atten
sufficient number of deputies shall be
by him as courtroom clerks to the vario
of which he is the official clerk, while su
are in session, and to do duty in the of
such courts are not in session. He shal
such deputies to duty in court, or at his
the exigency of the service may require,
efficiently perform the work in the most
cal manner possible.

Fee for law library.

Sec. 127. On the commencement in or r
the superior court of such city and coun
civil action or proceeding, he shall col
the plaintiff, or party instituting such p
or filing the first papers therein, the su
dollar, and pay over the same at the en
month to the treasurer of the law librar
ed for in this chapter; and the payme
sum of one dollar shall be a condition
to the commencement of such action or p
for which sum so required to be collecte
his sureties shall be responsible on h
bond.

Tax collector to be charged with mon
coming into his hands.

Sec. 128. The tax collector, upon the
tlement to be made by him as such tax
according to the requirements of the law
charged with, and shall pay into the han
treasurer, the full amount of all taxes pa
under protest or otherwise, or by him coll

ly paid over, without any deduction
ons, fees, or otherwise; he shall also
ith and be deemed debtor to the treas-
full amount of all taxes due upon the
st delivered to him for collection, un-
ade to appear that it was out of his
lect the same by levy and sale of any
le to be seized and sold therefor. If
ility to collect any portion of such de-
es have resulted from such negligence
such assessment caused by the will-
ct of the assessor, then the assessor
t was to make the assessment shall be
e deemed debtor to the treasury for
remaining uncollected for that cause.

assessor and his duties.

There shall be elected by the qualified
ch city, or city and county, at the
e election, an assessor, who shall take
first Monday after the first day of
t following his election, and hold for
four years, and until his successor is
qualified. It shall be his duty to as-
ble property within such city, or city

riff.

The sheriff shall attend in person, or
ll the courts in and for such city and
pt the police courts. He shall obey
orders and directions of such courts,
her respects conform to the laws reg-
iffs in this state.

ecorder.

The recorder of such city and county
he custody of all books, records, maps,
deposited in his office. He, or his
, when any papers are presented for
or to be copied, shall write on the
ach paper so presented the number of
or, and shall, in his monthly return to
r, certify under oath the number of
or registered by each deputy or copy-
d by him; and such certificate of the
his chief deputy shall be conclusive
authorize the auditor to audit such
counts of such deputies or copyists

monthly. He shall appoint as many copy
he shall deem necessary to the proper disch
the duties of his office, who shall be paid
rate of twelve cents per folio of one h
words for all matters registered or copied h
respectively.

Duties of district attorney.

Sec. 132. The district attorney is the publ
ecutor, and shall be an attorney of the s
court, and shall attend the superior court
state, in and for such city and county, ar
other courts as may be hereafter establi
and for the same, and conduct therein, on
of the people, all prosecutions for public o
He shall perform such other duties as a
scribed by law.

Duties of city and county attorney.

Sec. 133. The city, or city and county, a
shall be an attorney of the supreme cou
shall prosecute and defend all suits and ac
law and in equity, and conduct all legal p
ings, in the courts and elsewhere, neces
preserve and protect such city's, or city an
ty's, rights, whether such suits or proc
be conducted in the name of such city,
and county, or in the name of others. H
give legal advice to the city government,
the officers, boards, and departments
when required so to do, and perform suc
duties as such attorney as the municipal
shall from time to time prescribe. He sha
in his office well-bound books of registry, in
shall be entered and kept a register of all
suits, and proceedings in which such city,
and county, is interested. Each outgoing
city and county, attorney shall deliver suc
and all other records, law reports, quart
ports from municipal boards and officers
ments, statutes, papers, furniture, and p
in his possession, to his successor in offi
shall give him duplicate receipts therefor, on
filed in the office of the auditor, and one t
tained by the outgoing city, or city and
attorney.

Public administrator.

Sec. 134. The public administrator of su

ounty, shall be subject to the orders
or court in and for such city, or city
and shall perform all the duties pre-
aw.

oner.

he coroner of such city, or: city and
ddition to the duties imposed by law
coroner, shall keep a record of all in-
by him, with a copy of all testimony
nisition of the jurors in full; and in
of the original records, the same shall
le in evidence with like effect as
would have been. He may appoint
s, and a messenger or messengers, as
n this act, or as may be hereafter al-
municipal council of such city, or city
He shall receive no fees for any ser-
ed by him.

perintendent of streets.

The superintendent of streets shall
e office, in some convenient place, to
d by the municipal council. His of-
kept open as in this chapter provided.
during his continuance in office, fol-
er profession or calling, but shall be
devote himself exclusively to the du-
aid office. He shall have under his
ge the construction, reconstruction,
d cleansing of all public sewers, man-
drains, cesspools, and of the public
ways, alleys, places, and squares, ex-
arks. It shall be his duty to see that
lers, and regulations relative to the
s and highways, alleys, places, and
carried into execution, and that the
refor are rigidly enforced, as may be
y the municipal council. He shall
informed of the condition of all pub-
ighways, alleys, places, and squares;
e fail to see that the laws, ordinances,
ions relating to the public streets,
leys, places, and squares are carried
n, after notice from any citizen of a
ereof, such superintendent and his
l be liable upon his official bond to
njured in person or property by such
ct.

Duties of surveyor.

Sec. 137. The city, or city and county shall be engineer-in-chief of such city, county, and of the sewerage system; all necessary plans, surveys, maps, and and other necessary things, and keep his office, and all such maps, plans, and drawings shall be the property of or city and county, and remain in the be transferred by the outgoing to the officer. He shall do all necessary surv engineering for the streets, alleys, high squares, at the request of the municip or of any committee appointed by eith of the same, and all or any other surv engineering work that such city, or city ty, may require, and of the public par request of the park commissioners.

Appointment of collector of licenses and

Sec. 138. Within twenty days after meeting, the municipal council of such c and county, shall appoint a suitable per lector of licenses of such city, or city a who shall hold office for two years from his appointment, and until his successo appointed and qualified. In case of a v curring by death or otherwise in the of collector of licenses of such city, or city ty, holding his office under the provisi chapter, the same shall be filled for t der of the unexpired term by appointm board of aldermen; and in case of the said collector of licenses to act, his pla the same manner, be temporarily filled disability is removed. The collector and his deputies are hereby authorize ered, and required to collect all the m censes now required to be collected, or v hereafter be required to be collected, b either of them; and it shall be the du collector of licenses, and his deputies, ant collectors, to attend to the collec censes, and examine all places of bus persons liable to pay licenses, and to s censes are taken out and paid for. T each have and exercise, in the perfo

duties, the same powers as police
rving process or summons, and in
ts; also shall each have and exercise
administer such oaths and affirma-
l be necessary in the discharge and
eir official duties; and they, and each
ereby empowered to enter any place
or which a license by law is provid-
ed, free of charge, at their pleasure,
nd the exhibition of any license for
me from any person, or firm, or cor-
ged or employed in the transaction
ess for which a license is by law
ssary; and if such person, or firm, or
r either of them, shall be unable, or
lect, or fail, to then and there exhibit
he, she, or they, as the case may be,
ed guilty of a misdemeanor, and on
ereof shall be punished accordingly.

ys.

e collector of licenses shall daily pay
er of such city, or city and county,
collected for licenses sold, or by him
ees; and shall, under oath, at least
calendar month, and oftener when
do by the auditor, make to the au-
of all such licenses sold and on hand,
ounts so paid to the city, or city and
rer; shall at such time exhibit to the
sold licenses in his hands, and the
ceipts for all moneys paid into the
all licenses so signed by the license
leputy license collector, or either of
as valid as if signed by the city, or
nty, treasurer. All fees so paid to
laced to the credit of the proper fund
rer.

f police.

e department of police of such city,
unty, shall consist of:

ssioners, how appointed.

of police commissioners of such city,
county, consisting of five members,
shall be a qualified voter, at least
f age, and shall have been a citizen
States and of this state, and a resi-

dent of such city, or city and county, for f
next preceding his appointment, four
shall be appointed by the governor and
tice of the supreme court of the state of
nia, within thirty days after the organi
such city, or city and county, under this
who shall hold office for the term of fo
from and after the first Monday next s
the date of their appointment, and un
successors are appointed and qualified; a
month next preceding the expiration of
term, and every four years thereafter, the
ernor and chief justice of the supre
shall appoint their successors, who shall h
for the term of four years from and after
Monday next succeeding the date of their
ment; but in making such appointments,
governor and chief justice shall elect t
fied persons from each of the two dom
tional political parties. Vacancies that
in the office of any of the members so
shall be filled by appointment by said
and chief justice, of some suitable pers
same political party as that to which th
cumbent belonged, and for the remaind
vacant term only. The four members
as hereinbefore provided, shall meet in
or city and county, on the first Monday
ceeding the date of their appointment,
forthwith organize by electing one of the
president, and shall appoint the other m
said board, who shall be the chief of
such city, or city and county. Every m
said board shall, before he enters upon
of his office, take and subscribe the follo
or affirmation: "I do solemnly swear (or
the case may be), that I will support the
tion of the United States and the co
of the state of California; that I will
ly discharge the duties of police commis
cording to the best of my ability; and th
discharge of my duties I will make no
ment to or removal from the police for
litical or partisan reasons; and that I w
best of my ability, discharge the duties
fice impartially and uninfluenced by pol
siderations, or any consideration other

e good." Every member of said board
bsent himself from such city, or city
for the continuous period of sixty
by force thereof, cease to be a police
r, and his office shall become vacant.
of said board shall be eligible to any
during his incumbency of the office
missioner. No member of said board
his term of office, be a member of
ion, the purpose of which is to nomin-
es for office, nor act as a judge, in-
k, or officer of any election, or pri-
n, or take part in any election except
s vote; nor shall any member of said
ly or indirectly, influence, or attempt
or control, the political action of any
ne police force of such city, or city and
ny employee of said department; nor
ember of said board collect, or suf-
lected, from any member or employee
rtment, any assessment or contribu-
tical purposes. A violation of any of
ns of this section shall be a misde-
shall be cause for the immediate re-
office of the person guilty of such vio-
said board shall hold sessions at least
in the office of chief of police, or in
nvenient place as the municipal coun-
city, or city and county, shall desig-
ase of emergency, at such place as it
and the clerk of the chief of police,
rovided for, shall act as clerk of said
y member of said board, and the clerk
rd, shall have power to administer
matters pertinent to the business of
tive offices, and in all investigations
re said board, or any member thereof.
rd shall keep a record of its proceed-
aid board shall have power:

oard.

oint, suspend, or remove any person
olice force of such city, or city and
ided, however, that the chief of po-
ly be removable in the manner pro-
v for the removal of other municipal

Prescribe rules.

2. To prescribe all needful rules and r
for the control, government, and discipli
police force, and from time to time to a
peal the same, and prescribe penalties f
lation of any of them.

Determine complaints.

3. To hear and summarily determine
plaints of misconduct, inefficiency, or ot
against any member of said police for
take such action thereon as shall be co
the maintenance of the discipline and
of the same.

Grant permits.

4. To grant permits to all persons desi
gage in the retail liquor business in suc
city and county, and to revoke any
mit whenever it shall be made to
said board that the retail liquor bu
the person to whom such permit w
is conducted in a disorderly or impr
ner, or whenever it shall be made
that the person to whom such pe
granted has, after the grant of suc
been convicted in the police or other cou
city, or city and county, of disorderly c
er conduct, or of the commission of an
offense upon the premises whereon s
liquor business is conducted; provided,
that whenever said board refuses to g
permit, or proposes to revoke such permi
son who is refused such permit, or who
is proposed to be revoked, shall be enti
heard before said board in person or thro
sel, and to have free of charge all reason
ities for the full, fair, and impartial h
the merits of his application or oppo
such permit shall be distinctly stated and
the name of the person to whom the sam
and the premises on which such retail b
proposed to be carried on.

Appoint special officers.

5. Upon the petition of any person, fir
poration, to appoint a special officer to
service to be paid for by such person, fir
poration, specifying the boundary or l

hich he is to act as such special offi-
oundary or locality shall be described
ant of appointment; provided, that no
cer, shall be appointed to act in
such city, or city and county, common-
s the Chinese quarter; and provided
t all special officers shall report daily
of police, and be subject to his orders
mergency; and in no event shall such
aid by such city, or city and county.

scribe the badge of office and uniform
by all members of the police force, and
f office to be worn by all special offi-

expenses.
v and order paid out of the police con-
l, for contingent expenses, any and all
d by the chief of police; provided, that
te of such orders shall not exceed the
ven thousand two hundred dollars a
sum shall be set apart annually in the
said city and county for this purpose.
stitutes.
oint substitutes, not to exceed four per
police force, to serve under such regu-
subject to such restrictions, as it may
nd without pay from such city, or city

enas, etc.
e subpœnas, tested in the name of its
nd to enforce obedience thereto, and
edience thereof, in the same manner
ke extent as the justices' court of such
and county; and to exercise the same
the said justices' court in preserving
all open sessions of said board, and to
contempt committed thereat.
risons.
ignate the prisons to be used for the
f all persons arrested, convicted, or
r public offenses in cases not provided
or by ordinance; to establish stations
houses, or substations and substation-
ts discretion, for the accommodation

thereat of members of the police forc
places of temporary detention for person

Discretionary powers.

11. In its discretion, on conviction of
of the force of any legal offense, or
duty, or violation of the rules of the boa
lect of or disobedience of orders, or inc
absence without leave, or any conduct
to the public peace or welfare, or other
discipline, or immoral conduct, or any c
becoming an officer, to punish the offen
by reprimand, forfeiting and withholdi
a special time, suspension, or dismissa
force; all such fines shall be immedi
into the treasury to the credit of the poli
health insurance fund.

Warrant of appointment.

12. To issue to every member of the p
a proper warrant of appointment, sign
president and countersigned by the ch
board, which warrant shall contain the
appointment and his rank.

Supplies.

13. To make a requisition on the muni
cil of such city, or city and county, for s
or necessaries that may be required in th
tration of the department; provided, th
gregate amount of the same, exclusive
shall not, in any one fiscal year, excee
of five thousand dollars.

Report, when made.

14. To annually, on or before the fi
August, report to the municipal counc
mate of the amount of money that will b
to pay all salaries of the department,
amount of money that will be required
ministration and support of the departm
year, specifying in detail the purposes
for which the same will be required, wi
mated cost thereof, respectively.

Sale of property.

15. To provide for the custody, care,
sale, time, place, and manner of sale o
erty that may come into the possess
property clerk hereinafter provided for.

e life insurance fund.
rol, care for, and manage the police
lth insurance fund hereinafter men-
fund shall consist of the moneys re-
the monthly salaries of the members
force, fines collected from members of
nd of such other moneys as may be
thereto by law, or ordinance, or by
or bequest, and of all moneys to the
d fund at the time said board shall
nd to invest the moneys of said fund
ne following securities as shall seem
d profitable, viz., the bonds of such
and county, the bonds of the state of
nd the bonds of the United States of
ne moneys and securities shall be held
urer of such city, or city and county,
ve no power to deposit, pledge, or in
ny part with the same, except on the
board.

heirs out of fund.
r paid, upon the death of any member
force, out of the police life and health
nd, to the heirs of such member, the
housand dollars.

to infirm officers.
r paid, out of the police life and health
nd, to any police officer who shall re-
on of bad health or bodily infirmity,
of the principal sum which such officer
ontributed thereto.

to incompetent officers.
er paid, out of the police life and
ance fund, to any officer dismissed for
petency, not coupled with any offense
laws of this state, an amount not ex-
half of the principal which such officer
ontributed thereto; provided, that any
ssed for gross neglect or violation of
on conviction of any misdemeanor or
forfeit all claim upon said fund.

of demands.
e said police life and health insurance
ot be sufficient to pay the demands on
such demands to be registered, and to
heir order out of the fund as received.

Repayment of excess to certain officers.

21. When the police life and health
fund shall exceed the sum of fifty thou
lars, to allow and order paid out of the
any officer who shall have been perman
abled while in the discharge of his duty a
ficer, such sum as in their judgment they s
proper, not to exceed one thousand dolla
no case shall said fund be reduced there
the sum of fifty thousand dollars. The
of said board shall receive a salary of th
sand dollars per annum. The other me
said board shall each receive a salary of
sand two hundred dollars per annum
monthly, at the end of each and every m

Chief of police, his powers and duties.

2. A chief of police, appointed as he
provided, who shall have power to select
ignate one police officer to serve as cle
chief of police; one police officer to serv
erty clerk, who, before entering upon h
shall give bond, with good and sufficien
in the sum of ten thousand dollars, to
or city and county, to be approved as in
other official bonds, which bond shall be
the auditor of such city, or city and
twelve detective officers, and thirty ser
police. He shall have the sole and excl
trol, direction, and superintendence of
prisons of such city, or city and county,
detail to duty therein such number of
the exigencies shall require. In the supp
any riot, public tumult, disturbances of
lic peace, or organized resistance ag
laws, or public authorities, in the lawfu
of their functions, he shall have all th
that now are or may be conferred upon s
the laws of this state; and his lawful or
be promptly executed by all police off
every citizen shall also lend him aid,
quired, for the arrest of offenders and th
nance of public order. In case of gr
emergency or danger, he may appoint
tional number of policemen of approved
for honesty and sobriety, who shall have
powers as other police officers, but who

. In case of imminent danger of riot,
ot, or organized resistance to the laws,
ve power, and it shall be his duty, if
on the organized police force be insuffi-
ber or unequal in strength to preserve
nd maintain public order, to make his
on the governor, or in case of urgency
est military commander in the national
lifornia, for such military force as may
y for the occasion; and such military
be placed under his command until the
of order and tranquility, or until the
clares such city, or city and county, in
nsurrection, as provided by law. He
public office, which shall be open, and
e, or in case of his necessary absence,
f police or sergeant of police by him
for that purpose, who shall have, dur-
sence, the same powers as are conferred
n the chief of police, shall be in attend-
hours of the day and night. In case of
from his office, it shall be made known
ain or sergeant of police in attendance
an be found if needed. He shall desig-
r more police officers to attend con-
n the police court to carry on the bus-
to execute the orders and process of
He shall command, supervise, and di-
ice force; and shall observe, and cause
rved and enforced, the laws and ordi-
hin such city, or city and county. He
at all lawful orders and process of the
t are promptly executed; and shall ex-
other powers connected with his office
prescribed by law, or by the rules and
adopted by the board of police com-
He shall acquaint himself with all
s and laws in force in this state defin-
offenses and nuisances and regulating
al proceedings; and shall procure and
office the statutes of this state and of
States, and all elementary works on
ects. He shall give information and
ching said laws gratuitously to all po-
s asking for it. He shall have power
to time to dispose of such sum or sums

for incidental expenses as in his judgm
be for the best interest of such city, or
county; provided, that the aggregate o
sums shall not, in any one fiscal year, e
sum of seven thousand two hundred do
all sums so disbursed or paid shall be
the approval of the said board. He may
cause, grant leave of absence for not
thirty days to any member of the police
officers absent from the city within or w
state on official business shall not be dee
absentees. As chief of police, he shall
for the term of four years from his ap
and shall receive a salary of four thou
lars per annum, payable monthly, at t
each and every month.

Captains of police, how appointed.

3. Six captains of police, who shall be
by the board of police commissioners
members of the police force, who shall b
to such duty, and who shall be subjec
rules and regulations, as the chief of p
prescribe. They shall receive a salary of
dred dollars per month each, payable m
the end of each and every month.

Police officers, their qualifications, po
duties.

4. As many police officers, not exceedin
dred, as the board of police commissio
determine to be necessary, to be appoint
board; but it shall be the duty of said
its first organization, to appoint as memb
police force the members of the police
any, then in service, unless such memb
competent or incapable to serve. Eve
applying for appointment to said po
unless he be a member of the police
existing in such city, or city and
shall produce and file with the said
certificate, signed by not less than twelv
ers and qualified voters of the smalles
subdivision of such city, or city and co
ing that they have been personally an
quainted with the applicant for one yea
next preceding the application, and that
cant is of good repute for honesty and so

him to be, in all respects, competent
ne office. All such certificates shall be
the office of said board, and shall
ned to the applicant. Every appointee
e force must be a citizen of the United
of this state, able to read and write
language, and a resident of such city
county, at least five years previous to
ent, except such member of said police
y be in service at the time of the or-
of said board; every appointee shall
han twenty-five nor more than forty
, and not less than five feet and seven
ight, and shall, after his nomination,
is appointment pass a thorough exam
he surgeon of police, or by any physi-
ted by said board, and be found on
nation to be sound in health, and to
physical qualifications required for re-
e United States army. The police offi-
ection to the rules and regulations of
rd, to the orders of the respective cap-
nder the general direction of the chief
all be prompt and vigilant in the de-
ime, the arrest of public offenders, the
of all riots, frays, duels, and disturb-
public peace, the execution of process
olice court in causing the abatement
isances, and the enforcement of the
gulations of the police. They shall, as
rticable, upon an arrest, under penalty
from the force, or of a fine of not more
ndred dollars, or of both, at the discre-
board, convey in person the offender
nearest sitting magistrate. If the ar-
during the hours that the magistrate
ularly hold court, or if the magistrate
ng court, such offender may be de-
station-house until the next public sit-
magistrate, and no longer, unless dis-
bail, according to law. No member
e force shall be eligible to any other
a member of such force, nor shall he
rt whatever in any convention held for
of a political party; nor shall he be a
any political club; nor shall he be al-

lowed to interfere with politics on the
tion, or at any time while employed o
except to cast his vote. No member o
force while on duty shall enter into
saloon, bar-room, or place where liq
tailed, except when necessary in the
his duties, on penalty of reprimand,
sion, or removal from office. No me
police force shall devote his time to ar
fession or calling, become bail for
charged with any offense whatever, s
or attorneys for prisoners, receive an
reward for official services rendered,
dered, unless with the knowledge and
of a majority of said board; such ap
be given in writing and certified by
said board. Police officers who shall
to act as sergeants of police, and po
who shall be selected to act as dete
officers, shall each receive a salary
dred and twenty-five dollars per mon
monthly, at the end of each and ev
The police officer who shall be selecte
clerk to the chief of police, and the p
who shall be selected to act as property
each receive a salary of one hundred a
lars per month, payable monthly, at
each and every month. All other po
shall each receive a salary of one h
two dollars per month, payable monthly
of each and every month; provided, tha
urer of such city, or city and county, is
thorized to deduct and retain from th
each member of said police force two d
every month's salary, to be paid into
the police life and health insurance
mentioned.

Surgeon of police, and his duties.

5. A surgeon of police, whose duty
to attend to all cases of accident or sick
several police stations, to attend all c
may be taken sick or injured in the d
their duty, to examine all applicants f
ment on the police force, and to perfor
er duties as the board of police commiss
from time to time prescribe. He shall b

board, and shall hold office during its
he shall not be removed without just
hall receive a salary of two hundred
month, payable monthly, at the end
every month.

sioners, how appointed and term of

here shall be a board of fire commis-
ch city, or city and county, consisting
is, possessing the same qualifications
is are herein prescribed for the mem-
oard of aldermen, who shall be ap-
e mayor, with the advice of the board
and shall hold office for the term of
m and after the time of their appoint-
more than three of whom shall be-
ame national political party; provid-
re commissioners now acting as such
or city and county, shall continue to
spective offices until the expiration
or which they may have been respec-
l or appointed.

duties of fire commissioners.

he said board of fire commissioners
se and control said fire department,
embers, and employees, subject to the
ng the same, and shall see that the
bers, and employees thereof faithfully
ir duties, and that the laws, orders,
ons relating thereto are carried into
d effect. They shall not, nor shall
m, or the chief engineer, or assistant
r, or assistant engineers, of said fire
e interested in any contracts pertain-
anner to said fire department, or the
ng of apparatus, or supplies for the
contracts in violation of this section
void, and any of said persons violat-
sions of this section shall be deemed
demeanor, and upon conviction, shall
accordingly. The municipal council
or city and county, shall have power
nd provide for all cisterns, hydrants,
rses, supplies, engine, hose and hook-
uses, and all alterations and repairs
d said board of fire commissioners

shall supervise all contracts awarde
done for the said fire department, a
that all contracts awarded and wo
faithfully performed. The said board
missioners shall have power to presc
ties of the officers, members, and empl
fire department, and to adopt rules an
for the management and discipline th
majority of them shall certify to the
of all claims and demands before th
be paid. And the municipal council
and required to provide and furnish
of the board of fire commissioners a s
or rooms in some of the buildings of
city and county, to serve as an offi
meetings and the transaction of busi
to said fire department, in which thei
tor, and messenger shall be in atte
during office hours. The chief engine
chief engineer, and assistant engin
department shall also make it their
daily during office hours, when not o
gaged in official duties. And the sa
council shall furnish the chief engine
the assistant chief engineer and as
neers hereinafter mentioned, with
buggy, and shall provide for keeping

Officers of fire department.

Sec. 143. The officers of the fire de
such city, or city and county, shall be

1. Five fire commissioners, to be
aforesaid;
2. One chief engineer;
3. One assistant chief engineer;
4. Four assistant engineers;
5. One superintendent of steam fire

Members and employees of fire depa

Sec. 144. The members and employ
fire department shall be:

1. One assistant superintendent of
engines;
2. One clerk and storekeeper for the
yard;
3. One corporation yard drayman;
4. One night watchman of corporat
5. Two hydrantmen;

erinary surgeon;
man of each company;
ineer for each steam fire-engine;
stitute engineer and machinist;
er for each company;
nan for each steam-engine company;
penter;
rman for each hook-and-ladder com-

ward for each hose company;
itor and messenger;
rk.
rs of department to give entire time

ll paid members of said fire depart- the veterinary surgeon, foreman, as- nan, company clerks, hosemen, hook- en, and stewards of volunteer com- give their undivided attention to their ties; but the foreman, assistant fore- ny clerks, hosemen, and hook-and- and stewards of volunteer companies, n such duties as may be prescribed time by said board of fire commis- ordered to be executed by the chief

ers, how appointed.
he chief engineer, the assistant chief superintendent of steam fire-engines, t engineers, the clerk, and all mem- loyees of the fire department, shall be the fire commissioners, and retain as during good behavior; and it shall of such fire commissioners, on their ation under this act, to appoint as mem- the officers and members of any fire which shall be in service in any such and county, at the time of its organi- this act. No officer, member, or em- aid fire department shall be removed reasons.

ment to consist of what.
The fire department of such city, or ty, shall consist of such engine, hook- and hose companies as shall be recom-

mended by the board of fire commis
determined by the municipal council
afford protection against fire; provide
auxiliary thereto patent fire-extingu
also be purchased and employed, if,
ment of said board, deemed advisab
that no hand-engine shall be purchase
of said department, but such as shall
sion of such city, or city and county, p
ganization under this act, may be use
calities and under such regulations as
fire commissioners may prescribe. Th
of said department shall be organized
Each steam fire-engine company sh
(1) one foreman, one (1) engineer, on
one (1) fireman, and eight (8) hosemen
whom shall act as assistant foreman,
as clerk. Each hook-and-ladder co
consist of one (1) foreman, one (1) dr
tillerman, and twelve (12) hook-and-
one (1) of whom shall act as assistan
and one (1) as clerk. Each hose co
consist of one (1) foreman, one (1) dri
(1) steward, and six (6) hosemen; one
shall act as assistant foreman, and one

Duties of chief engineer.

Sec. 148. The chief engineer shall b
tive officer of said fire department, an
the duty (and that of the assistant ch
and assistant engineers) to see that t
ders, rules, and regulations concernin
are carried into effect, and also to att
duties as fire wardens as may be requ
see that all laws, orders, and regula
lished in such city, or city and count
protection against fire, are enforced
also be the duty of the chief enginee
the rules and regulations made from
to secure discipline in said fire departm
shall have power to suspend any subo
cer, member, or employee for a viol
same, and shall forthwith report in w
his reasons therefor, to the board of
sioners for their action. He shall d
serve the condition of the apparatus
ings of said department, and shall re

once in each week, to said board of
oners, upon the same, and make such
ions and suggestions respecting it,
ing its greater efficiency, as he may
and in the absence or inability of the
r to act, the assistant chief engineer
the duties of said office of chief en-

d, his bond and duties.
he person elected as clerk by said
commissioners shall, before entering
harge of his duties, execute a bond,
more sureties, in the penal sum of
nd ($12.000) dollars, for the faithful
his duties, which bond shall be ap-
l board of fire commissioners, and the
h city, or city and county, and when
shall be filed in the office of the
e amount of said bond may be in-
time to time, when directed by the
commissioners, should it deem it nec-
public good; said clerk shall attend
office hours, at the office of the board
ssioners (which shall be the office of
ineer, assistant chief engineer, and
neers); shall perform the duties of
board and chief engineer, and shall
other duties from time to time as
ay prescribe. The clerk and store-
e corporation yard shall, before en-
is duties, furnish a bond in the sum
nd ($10,000) dollars, to be approved
manner as the bond provided for in
be given by the clerk of said board
ssioners, and filed with the auditor.

epartment, how sold.
The mayor of such city, or city and
the recommendation of the board of
ners, with the approval of the munic-
authorized to sell at private or pub-
me to time any or all of the engines,
engine-houses, lots on which such
or parts of lots (or to exchange any
hen in their judgment demanded by
l), or other property which shall not
r the use of the department, and to

execute, acknowledge, and deliver goo
cient deeds or bills of sale for the sa
the proceeds of such sales into the co
ury, to the credit of the proper fund.

Appropriation for purchase of horses, s

Sec. 151. The municipal council of s
city and county, is hereby authorized a
to appropriate, allow, and order paid a
of the general fund of such city, or cit
ty, the salaries hereinafter specified a
and salaries at similar rates to the sev
and men of any additional companies
aforesaid; and the municipal council is
appropriate, allow, and order paid, out
eral fund, a sum not to exceed eight
($80,000) dollars annually for runnin
horse-feed, repairs to apparatus, and
struction and erection of cisterns and
and for the erection and repair of bu
other expenses of the fire department.
priate a sum not to exceed thirty tho
000) dollars for the purchase of hor
paratus for the fire department.

Allowance to disabled member.

Sec. 152. Whenever a member of th
department of such city, or city and c
become disabled by reason of injuries
any fire, so as to be unable to perform
the municipal council, upon the recor
of the board of fire commissioners, is
thorized and empowered to allow sa
man a sum not exceeding fifty ($50)
month for not to exceed three (3) mont
out of the general fund of such city,
county, in the same manner and for
payments are made out of said fund.

"Fireman's charitable fund."

Sec. 153. The municipal council shall
ordinance, for the payment into a "fire
itable fund" of such city, or city and c
moneys received for licenses for the st
ufacture, or sale of gunpowder, blast
gun-cotton, fire-works, nitro-glycerine,
any explosive oils or compounds, or as
tax upon the same; also all fines colle

rt for violations of fire ordinances.
shall be under the direction and control
ject to such regulations as may be pre-
the board of fire commissioners.

oreman and clerk.
The chief engineer shall have power to
member of each company to act as as-
man; also, one member to act as clerk;
o receive five ($5) dollars per month ex-

on of board and time of meeting.
The fire commissioners shall organize
immediately upon their appointment,
first Monday after the first day of Jan-
h and every year thereafter, by select-
their number as president, and they
at least once in each month publicly at
to transact the business of said fire
t; and, in addition to the stated meet-
shall meet twice in each month for the
investigating charges against officers,
nd employees of said department for
y of the rules and regulations thereof;
old such intermediate sessions as they
necessary to the proper administra-
fire department. No person shall be eli-
position in said department who is not
f the United States, or a resident of
or city and county, at least two years,
wenty-one (21) years of age at the time
intment.

ons, how conducted.
In all investigations for violation of
nd regulations of the fire department,
nt of the board of fire commissioners
power to issue subpoenas, and adminis-
nd compel the attendance of witnesses
by attachment or otherwise. All sub-
ed by him shall be in such form as he
ibe, and shall be served by any police
y any peace-officer of such city, or city
Any person who refuses to attend or
obedience to such subpoenas shall be
ilty of contempt, and be punished by
cases of contempt in justices' court in

Members, how dismissed.

Sec. 157. No officer, member, or emp
fire department shall be dismissed
cause, nor until after a trial. The a
be furnished with a written copy of
against him at least five (5) days pre
day of trial, and he shall have an op
examine witnesses in his behalf, and
shall be examined under oath, and al
be public.

Workshop at corporation yard.

Sec. 158. The municipal council of s
county is hereby authorized and empo
tablish and maintain at the corpora
workshop for making repairs and in
upon the apparatus of the fire depa
such workshop and such repairs a
ments to be under the supervision of
fire commissioners; and the municipal
allow and order paid, out of the pro
the expenses of such workshops, repa
provements.

Restrictions on members.

Sec. 159. No member of said board
missioners shall, during his term of
member of any party convention, the
which is to nominate candidates for
fice, nor shall the officers, members, o
of said fire department take any part
any partisan convention, held for the
a political party; nor shall any mem
said board of fire commissioners, dire
rectly, attempt to control or influenc
of any member of said fire department
ployee thereof, in any primary or gene
No member of the fire department sh
lect, or pay any amount of money a
ment or contribution for political pur
violation of the foregoing provisions
tion shall be deemed a misdemeanor.

Salaries of officers of fire department

Sec. 160. The salaries of the officer
department shall be paid in monthly
and as follows:

1. The salary of the fire commissio
one thousand two hundred dollars pe

lary of the chief engineer shall be
d dollars per annum;
lary of the assistant chief engineer
thousand four hundred dollars per

aries of the assistant engineers shall
thousand eight hundred dollars per

lary of the superintendent of steam
shall be two thousand four hundred
nnum.

mployees of fire department.
The salaries of the members and em-
he fire department shall be paid in
allments, and as follows:
lary of assistant superintendent of
gines shall be one thousand six hun-
hty dollars per annum;
ary of the clerk and storekeeper for
ion yard shall be one thousand five
ars per annum;
ary of the corporation-yard drayman
thousand and eighty dollars per an-

lary of the night watchman for the
ard shall be nine hundred dollars per

ary of the two hydrantmen shall be
l and eighty dollars per annum each;
lary of the veterinary surgeon shall
and two hundred dollars per annum;
ary of the foreman of each company
hundred and forty dollars per an-

lary of the engineer for each steam
ompany shall be one thousand six
eighty dollars per annum;
lary of the substitute engineer and
all be one thousand six hundred and
s per annum;
lary of the driver for each company
thousand and eighty dollars per an-

alary of the fireman for each steam
y shall be one thousand and eighty
annum;
lary of the carpenter for said depart-

ment shall be one thousand two hun
per annum;

13. The salary of the tillerman for
and ladder-company shall be one th
eighty dollars per annum;

14. The salary of the steward fo
company shall be nine hundred and s
per annum;

15. The salary of each hoseman and
and-ladder man shall be four hundred
dollars per annum;

16. The salary of the janitor and
shall be one thousand two hundred dol
num;

17. The salary of the clerk of the b
commissioners shall be one thousand
dred dollars per annum.

Fire-alarm and police telegraph.

Sec. 162. There shall be maintaine
vided for by the municipal council in s
city and county, a fire-alarm and poli
for municipal use, and the superintend
shall be appointed by the board of f
sioners, to serve during its pleasure.
he shall not be removed for political
sons, or purposes. Said superintenden
ized to appoint the following officer
ployees: one chief operator, three op
repairer, two assistant repairers, and
man. It shall be the duty of such boa
first organization under this act, to ap
ficers and employees thereof the offic
ployees of any fire-alarm and police
which shall be in service in such city,
county, at the time of its organization
act.

Salaries of officers of fire-alarm, etc.

Sec. 163. The salaries of the offi
fire-alarm and police telegraph shall
monthly installments, and as follows:

1. The salary of the superintendent
thousand four hundred dollars per an

2. The salary of the chief operator
thousand eight hundred dollars per a

3. The salary of each of the thre
herein provided for shall be one th
hundred dollars per annum;

salary of the repairer shall be one thous-
hundred dollars per annum;
salary of each of the two assistant re-
rein provided for shall be one thousand
dollars per annum;
salary of the batteryman shall be nine
dollars per annum.

tion.

. The municipal council shall appro-
h sum as may be necessary, not exceed-
thousand dollars per annum, for the
ce, repair, and extension of said tele-
d to defray the cost of instruments and
therefor, and for such horses and ve-
nay be necessary for the use of said su-
nt.

health, how constituted.

. There shall be a board of health for
or city and county, which board shall
the mayor of the city and county, and
ians in good standing, residing in such
ty and county, who shall be appointed
vernor, and who shall hold office for the
ur years, and until their successors are
and qualified; and in case any vacancy
ny time occur in said board by removal,
tion, or otherwise, the same shall be fill-
ointment by the governor.

. The mayor of such city, or city and
all be ex-officio president of the board
and in his absence, at any meeting, the
y elect a chairman, who shall, for the
lothed with all the power of the presi-
d board shall hold a regular meeting at
in each month, and at other times,
ed thereto by the president, or by a ma-
he board.

n of board of health.

Said board of health is hereby invest-
eneral jurisdiction over all matters ap-
to the sanitary condition of such city,
d county, and over all quarantine regu-
d the enforcement thereof, and hospitals
houses, and all municipal institutions
nd maintained for charitable purposes

and not herein enumerated, within the limits of such city, or city and county, such orders and regulations as may be to the complete exercise of the powers fore enumerated, and may appoint or such attendants and employees as may to promote the public welfare.

Salary.

Sec. 168. The members of said board shall receive no salary.

Salaries of officers appointed by board

Sec. 169. Said board of health shall to appoint the following officers and who shall receive the salaries hereinaf ed, payable in monthly installments at each month, viz.:

1. One health-officer, who shall be tive officer of said board, at a salary of and four hundred dollars per annum;

2. One quarantine officer, at a sal thousand eight hundred dollars per a

3. One secretary, at a salary of tw four hundred dollars per annum;

4. Six health inspectors and one mar tor, at a salary of one thousand two h lars per annum each; one messenger a dred dollars per annum;

5. One superintendent of the city, county, hospital, who shall be a phy graduate of some medical college in ing, at a salary of two thousand four h lars per annum;

6. One resident hospital physician, of one thousand five hundred dollars

7. One hospital steward, at a sala thousand two hundred dollars per ann

8. One hospital matron, at a salary o dred dollars per annum;

9. One hospital apothecary, at a sa thousand two hundred dollars per an

10. One hospital engineer, at a sal hundred dollars per annum;

11. Two physicians and two surge selected from the faculty of the medi ment of the University of California physicians and two surgeons, to be se

of the Pacific Medical College, at such
the board of health may designate, not
one thousand two hundred dollars each
, as visiting physicians and surgeons to
r city and county, hospital.
alms-house superintendent, at a salary
ousand four hundred dollars per an-

resident alms-house physician, at a sal-
thousand five hundred dollars per an

alms-house matron, at a salary of seven
nd twenty dollars per annum;
city physician, at a salary not to ex-
housand eight hundred dollars per an-

assistant city physician for the indus-
l and house of correction, at a salary
usand two hundred dollars per annum;
first cook, at a salary of sixty dollars
;
second cook, at a salary of thirty-five
month;
third cook, at a salary of thirty dollars
;
baker, at a salary of seventy-five dol-
nonth;
clerk, at a salary of forty dollars per

interpreter, at a salary of forty dollars
;
ambulance driver, at a salary of forty
month;
teen nurses, at a salary of thirty-five
h.

power.

The appointing power of all and every
resaid officers and employees is vested
id board of health, and said board shall
r to prescribe the duties of every and all
cers and employees, and to remove the
easure; and said board of health is here-
ered to employ such additional em-
may be necessary to carry out the pur-
his act, at such compensations as said
ealth may fix.

Salaries, how paid.

Sec. 171. The salaries of the office
ployees of said board of health, and a
penses legally incurred by said board
provisions of this chapter, shall be p
of the general fund of the treasury of
or city and county; and the auditor of
or city and county, is hereby directed
such demands, and the treasurer of su
city and county, is hereby directed to pa
out of said general fund. The said boar
shall, annually, upon the third Monda
of each year, transmit, in writing,
nicipal council of such city, or city and
estimate of the amount of money neces
fray all of the expenditures of said
health for the next fiscal year; and th
health shall not expend, in any one fisc
amount exceeding the amount of such
transmitted by said board of health for
year, allowed upon such estimate by th
council, except in case of an epidemic
tagious disease, when such board of hea
by authorized to increase such expense
deemed necessary for the public safe
such expenses shall be payable out of
fund of such city, or city and county,
time and in the same manner provide
expenses of said board. Nothing in th
be construed to authorize said board o
contract for or purchase supplies for
charitable institutions placed under its
this chapter. All contracts for any o
authorized by this chapter to be cause
formed by said board of health shall
by said board to the lowest responsible
ter notice, for not less than five days, i
newspapers published in such city, c
county, under such regulations and re
as said board of health may adopt.

Restrictions on officers.

Sec. 172. It shall not be lawful for
intendent or other principal officer in
any alms-house in such city, or city
to have or receive any perquisites, or
any income or revenue therefrom, eit

ctly, other than the salary allowed by the board of health; nor shall llowable for any subordinate offi- employee to have or receive any s, either directly or indirectly; and oe the duty of the board of health to ny such superintendent, or other princi- , or any subordinate officer or employee ites any provision of this section. All orized by any of the provisions of this o be collected by any officer or employee ard of health, shall be immediately paid ficer or employee to the secretary of said health, who shall, upon the first Mon- ch month, pay the same into the treas- h city, or city and county, to be credited oper fund.

ship-masters of contagious diseases.

. Ship-masters bringing vessels into the any such city, or city and county, and rs, owners, or consignees having vessels rbor, which have on board any cases of holera, small-pox, yellow, typhus, ship any other contagious disease, must re- same, in writing, to the quarantine offi- landing passengers, casting anchor, or any wharf, or as soon thereafter as ither of them, become aware of the ex- either of these diseases on board of el.

ns on ship-masters, etc.

. No captain or other officer in com- ny vessel sailing under a register, arriv- port of any such city, or city and county wner, consignee, agent, or other person arge of such vessel, must, under a pen- t less than one hundred dollars nor more thousand dollars, land, or permit to be ny freight, passengers, or other persons n vessels, until he has reported to the e officer, presented his bill of health, and permit from that officer to land freight, s, and other persons.

ilot.

Every pilot who conducts into the port ch city, or city and county, any vessel

subject to quarantine, or examination b
antine officer, must:

1. Bring the vessel no nearer such c
and county, than is allowed by law;

2. Prevent any person from leavin
sel, and any communication being mad
vessel under his charge, until the qua
cer has boarded her and given the ne
ders and directions;

3. Be vigilant in preventing any viol
quarantine laws, and report, without
such violations that come to his knowl
quarantine officer;

4. Present the master of the vess
printed copy of the quarantine laws, un
one;

5. If the vessel is subject to quarant
son of infection, place at the masthe
yellow flag.

Duty of master of vessel.

Sec. 176. Every master of a vessel
quarantine, or visitation by the quar
cer, arriving in the port of any such c
and county, who refuses or neglects

1. To proceed with and anchor his v
place assigned for quarantine, when leg
ed so to do; or,

2. To submit his vessel, cargo, and
to the quarantine officers, their inspec
ination, and direction, and furnish all ne
formation to enable that officer to de
what quarantine or other regulations
respectively be subject; or,

3. To report all cases of disease an
occurring on his vessel, and to compl
the sanitary regulations of such port o
—Is liable in the sum of five hundred
every such neglect or refusal.

Master of infected vessel must report

Sec. 177. All vessels arriving off the
such city, or city and county, from p
have been legally declared infected po
vessels arriving from ports where th
vailing, at the time of their departure,
gious, infectious, or pestilential diseas
sels with decaying cargoes, or which
ly foul or offensive holds, are subject

ust be by the master, owner, pilot, or
eported to the quarantine officer with-
No such vessel must pass within the
hibited them by the board of health,
uarantine officer has boarded her and
rder required by law.

arantine officer.

The quarantine officer must board ev-
subject to quarantine or visitation by
iately on her arrival, make such exam-
inspection of vessels, books, papers,
of persons on board, under oath, as
ige expedient, and determine whether
hould be ordered to quarantine, and if
od of quarantine.

certain vessels not to permit landing
receives permit.

No captain, or other officer, in com-
ny passenger-carrying vessel of more
ndred and fifty tons burden, nor of any
ore than one hundred and fifty tons
ng passengers on board, nor any con-
er, agent, or other persons having
uch vessel or vessels, must, under a
ot less than one hundred dollars nor
ne thousand dollars, land, or permit to
ny passenger from the vessel until he
d his bill of health to the quarantine
received a permit from that officer to
assengers, except in such cases as the
fficer deems it safe to give the permit
g the bill of health.

The following fees shall be collected
rantine officer for giving a permit to
or passengers, or both: From any
l of less than five hundred tons bur-
ny port out of this state, two dollars
ts; five hundred and under one thous-
rden, five dollars; each additional one
s burden, or fraction thereof, an ad-
dollars and fifty cents; for steam-
elled in whole or in part by steam, of
l tons burden or less, five dollars, and
and fifty cents additional for each ad-
thousand tons burden or fraction

thereof. But vessels not propelled in part by steam, sailing to and from ports of the Pacific states of the Unit territories, and whaling vessels enter bor of any such city and county, are ex the provisions of this section.

Duty of board of health.

Sec. 181. The board of health may pulsory vaccination on passengers or infected ships, or coming from ports i the same.

Same.

Sec. 182. The board of health sh quarantine grounds at such points a in its judgment may best conduce to p may provide suitable hospitals whenev are required for the public safety, and supply the same with nurses a and remove thereto all persons afflicte era, small-pox, yellow, typhus, ship f er contagious diseases; provided, said grounds and hospitals shall not be within one mile of the mainland on th of the bay of San Francisco.

Duty of board of health.

Sec. 183. The board of health must kept a record of all births, deaths, an occurring in such city, or city and cou under the provisions of this chapter. ords, when filed, must be deposited of the city, or city and county, record duced when required for public inspe

Duty of physicians and midwives.

Sec. 184. Physicians and midwives before the fourth day of each month, turn to the health-officer of all births, the number of still-born children occur practice during the preceding month. sence of such attendants, the parents such report within thirty days after the child. Such returns must be mad ance with rules adopted by, and upon nished by, the board of health.

Human bodies not to be buried witho

Sec. 185. No person shall deposit i tery, or inter in any such city, or city

body, without first having obtained and
e health-officer a certificate, signed by
or midwife, or coroner, setting forth
ossible the name, age, color, sex, place
upation, date, locality, and the cause
deceased, and obtain from such health
mit. The physicians, when death oc-
ir practice, must give the certificate
tioned. It shall be the duty of the
f health to see that the dead body of
ing is not allowed to remain in any
ving vault for a longer period than
At the expiration of that time it shall
dy to be buried, or to be placed in a
he, constituted of brick, stone, or iron,
cally sealed. It shall also be the duty
rds to require all persons having in
digging of graves, and the burial of
see that the body of no human being
ched ten years of age shall be interred
ess than six feet deep, or if under the
years, the grave to be not less than
p. The board of health shall have en-
of all cemeteries belonging to such
and county, and may employ a super-
ereof, at a salary not to exceed sev-
llars per month, the same to be paid
eneral fund as the salaries of the oth-
s are paid.

erintendent of cemeteries.

Superintendents of all cemeteries in
ity, or city and county, must return
h-officer, on each Monday, the names
ns interred or deposited within their
emeteries during the preceding week.
rintendent of a cemetery, or any other
remove, or cause to be removed, or
disinterred, any human body or re-
have been deposited in a cemetery
ermit therefor from the health-officer,
of the coroner.

ly not to be disinterred without per-

It shall be unlawful to disinter or ex-
a grave, vault, or other burial place
imits of such city, or city and county,

the body or remains of any deceased
less a permit for so doing shall hav
obtained from the health-officer of s
city and county. Nor shall any body
disinterred, exhumed, or taken from
vault, or other place of burial or depos
ported in or through the streets or h
any such city, or city and county, unl
son or persons removing or transportin
or remains shall first obtain from the
cer a permit, in writing, therefor, a
But when an applicant for a permit t
body shall desire to remove said body
limits of such city, or city and county
so state on making application, the pe
same be issued, shall include the righ
and remove, and said permit shall acc
remains.

Discretion of health-officer.

Sec. 188. Permits to disinter or
bodies or remains of deceased persons a
port the same, or to exhume, or to t
in the last section provided, may be
the discretion of the health-officer, and
restrictions and conditions only as he,
ment, may affix, so as in the best poss
to protect the public health. The h
shall prepare a book of blank permit
form, and consecutively numbered,
stubs, on which, as well as in the p
be entered a record of the transaction
name, age, sex, nativity, date of dea
tion of remains sought to be removed
granting each permit shall be required
to him the sum of ten dollars therefor,
and benefit of the general fund of s
city and county.

Penalty of disinterring without permi

Sec. 189. Any person or persons wh
inter, exhume, or remove, or cause
terred, exhumed, or removed, from a g
or other receptacle or burial-place, the
a deceased person, without a permit th
be guilty of a misdemeanor, and be
fine not less than fifty dollars nor mo
hundred dollars, or imprisonment in

less than thirty days nor more than
or by both such fine and imprison-

transporting body without permit.
Any person or persons who shall
or cause to be transported, on or
streets or highways of any such city,
county, the body or remains of a de-
on which has been disinterred or ex-
out a permit therefor, in accordance
apter, shall be guilty of a misdemean-
punished as provided in the preceding

Nothing in this chapter contained shall
apply to the removal of the remains
nsed person from one place of inter-
other place of interment, or cemetery,
state.

No person, master, captain, or co
harge of any boat, vessel, or railroad
ic or private conveyance, shall receive
tation, or shall transport, the body of
who has died within the limits of such
and county, without said body is ac-
by a permit for such transportation
alth-officer, which permit shall accom-
dy to its destination; and no person,
tain, or conductor, as aforesaid, shall
or transport through any such city, or
unty, the dead body or remains of any
ss it be accompanied with a certificate
proper authority of the place from
came, stating the name, age, sex, and
ath, which certificate shall be filed at
office; provided, that in no case shall
f any person who died of contagious
brought to such city, or city and coun-
one year after the day of death.

how abated.
Whenever a nuisance shall exist on the
f any non-resident, or any property the
owners of which cannot be found by
th inspector, after diligent search, or on

the property of any owner or owners
due notice may have been served, and
for three days refuse or neglect to abat
or any property belonging to such c
and county, it shall be the duty of th
health to cause the said nuisance to
removed or abated, and to draw upon
fund in such sums as may be require
removal or abatement, not to exceed
dred dollars; provided, that whenever
penditure is found necessary to be m
removal or suppression of any nuisan
nicipal council of such city, or city a
shall, upon the written application of
of health, by ordinance, appropriate,
order paid, out of the general fund, s
sums as may be necessary for that pu
vided further, that in all cases where
diture will exceed five hundred dollars
priation shall be made for that purpose
city, or city and county, attorney shal
his opinion in writing that such expend
be a legal charge against the proper
thereby. And the auditor shall aud
treasurer shall pay all appropriations
made in pursuance of this section, in
manner as is now provided by law f
and paying demands upon the treasur

Fee-book open to public inspection.

Sec. 194. The health-officer and the
officer must each keep a book open to
spection, in which must be entered da
collected by them, and they must pay
lected to such city, or city and county
daily, to the credit of the general fun

Bond of health-officer.

Sec. 195. The health-officer must exec
cial bond, with two sureties, to be appr
board of health, in the sum of ten tho
lars; and the quarantine officer must
like official bond, with two sureties, in
ten thousand dollars, which bonds sha
with the auditor of such city, or city a

Who may administer oaths.

Sec. 196. Any member of the board of
health-officer, and the quarantine offic

the board of health, is hereby author-
minister oaths on business connected
ealth department.
e maintained.
Whenever any cause of action arises
of the provisions of this chapter relat-
health department, suit may be main-
on in the name of the health or quar-
r, as the case may be, in any superior
tice's court of this state.
ysicians in certain cases.
Every physician in any such city, or
unty, shall report to the health offi-
ing, every patient he shall have labor-
Asiatic cholera, variola, diphtheria,
or other contagious diseases, imme-
eafter, and report to the same officer
of death from such disease.
iseholders in certain cases.
Every householder in any such city, or
nty, shall forthwith report, in writing,
th-officer the name of every person
an inmate of his or her house, whom
all have reason to believe sick of chol-
l-pox, and any deaths occurring at his
e from such disease.
issioners, how appointed and their

There shall be a board of park com-
of such city, or city and county, con-
hree persons, to be appointed by the
this state, who shall hold their office
ars, and who shall receive no compen-
their services. In case of a vacancy,
all be filled by the remaining members
d for the residue of the term then va-
ll vacancies occasioned by expiration
office, or neglect, or incapacity, shall
the governor aforesaid. Each of said
ers shall be a freeholder and resident
, or city and county. Said board shall
nd exclusive control and management
arks of such city, or city and county,
e time of the organization of such city,

or city and county, under this act, were and improved as public parks, with the and great highways connected therewi of said commissioners shall constitute a to do business, but no money shall be or contract entered into authorizing the ture of money without the approval of th and a majority of said board of park sioners.

Powers.

Sec. 201. Said board shall have powe ern, manage, and direct said parks and leading thereto as have heretofore been or managed in connection therewith; to regulate, and improve such parks and to pass ordinances for the regulation and ment of the same; to appoint one general tendent, who shall perform the duties seer and managing gardener, who shall salary of two thousand four hundred do annum. The city, or city and county, shall be ex officio engineer of the works, perform such engineering work as the sioners may require of him. Prisoners age of twenty-one years, sentenced to h in any of the jails, prisons, houses of c work-houses, or other penal establishment city, or city and county, may be put to w the parks. The commissioners may emp other laborers as shall be necessary, w amount allowed by law to be expended parks, at wages not to exceed the curre paid in such city, or city and county, They shall in no year incur any debt nor expend any money beyond the amo ized by the tax herein provided for. A violating any of the ordinances of the co ers regulating the parks shall be deem of misdemeanor, and punished according

Taxes for park improvement, how levied

Sec. 202. The municipal council shall power to levy and collect, in the mode p by law for the levy and collection of ta year, upon all property in such city, or county, the sum of one and one-half c each one hundred dollars valuation of

rein, for the purpose of preserving and
he parks and avenues under control
ement of said commissioners. Said
l be paid into the treasury, and paid
purpose; all claims to be first allowed
missioners and audited by the auditor.
tion of the park commissioners shall
o unimproved parks, nor squares and
hitherto treated as parks, unless ex-
eto by an ordinance of the municipal
e commissioners may lease, for terms
ed three years, any portion of said
t immediately required for improve-
oceeds to go to the improvement of the
venues.

park commissioners.

The park commissioners shall make
reports to the mayor and municipal
ll their proceedings, and a detailed
f all the receipts and expenditures.

nayor and other officers in reference
ts.

The mayor shall see that all contracts
ents with the city are faithfully kept
ed, and to this end he shall cause le-
ings to be instituted and prosecuted
persons or corporations failing to ful-
reements. And it is the duty of any
ty, or city and county, officer, when it
to his knowledge that any contract
ty, or city and county, relating to the
any office whatever, has been or is
violated by the other contracting par-
h to report the fact to the mayor. A
o so shall be a sufficient cause for the
any officer of any department. The
give a certificate, on demand, to any
g such information that he has done
rtificate shall be evidence in exonera-
charge of neglect of such duty. The
and county, attorney shall prosecute
ordered by the mayor.

Article V.—Judicial Departm

Number and jurisdiction of justices.

Sec. 213. There shall be in and fo
or city and county, one justices' cou
of six justices of the peace, which sh
powers and jurisdiction prescribed a
by law upon justices of the peace a
court in such city, or city and county.
suits, and proceedings whereof jus
peace and justices' courts in such city
county, have jurisdiction, shall be
entitled and prosecuted in said court.
shall be always open, non-judicial da
and causes therein may be tried bef
siding justice, before any one of the
fore whom the original process may
turnable, or to whom the cause may
or transferred for trial.

Presiding justice.

Sec. 214. The board of aldermen s
one of the justices of the peace to
justice, who, as such, shall hold off
successor shall in the same manner b
and any one of the other justices may
side and act as presiding justice dur
porary absence or disability of the j
pointed. The board of aldermen, wit
after its organization as such board, s
a justices' clerk, who shall hold offic
pleasure of the appointing power. Th
take the constitutional oath of offic
bond, with at least two sufficient su
approved in the same manner as the
of other officers of such city, or city
in the sum of not less than fifteen t
lars, payable to the city, or city and
ditioned for the faithful discharge o
of his office, and well and truly to acc
pay into the treasury of such city,
county, as required by law, all mo
collected or received, and by law de
that use. A new or additional bond
quired by the municipal council
deems it necessary; and on failure to

additional bond within five days
shall be required, the office shall
cant. The justice's clerk shall have
to administer oaths, and take and
idavits in any action, suit or pro-
all courts of such city, or city
ty, and to appoint two deputy
whose acts he shall be responsible on
bond; the said deputy clerks to hold
g the pleasure of said clerk. Said
ks shall have the same power as the
except that of appointment.

justices, and office hours.

The municipal council of such city, or
unty, shall provide, in some convenient
the city, or city and county, a suitable
ite of offices, for said presiding justice,
erk, deputy clerk, and deputy sheriff,
suitable for holding sessions of said
separate from one another, for each of
es of the peace, together with attend-
ture, fuel, lights and stationery, suffi-
e transaction of business; and if they
vided, the court may direct the sheriff
the same, and the expenses incurred,
the justices to be correct, shall be a
nst the city, or city and county, treas-
d out of the general fund thereof. The
es, justices' clerk and deputy clerk,
attendance at their respective offices
atch of official business daily, from the
e o'clock a. m. until five o'clock p. m.

ess, how issued.

All legal process of every kind in
its or proceedings in said justices'
he issue of service of which any fee is
allowed by law, shall be issued by the
s' clerk, upon the order of the presid-
or upon the order of one of the jus-
peace, acting as presiding justice, as
pter provided; and the fees for issu-
rvice of all such process, and all other
are allowed by law for any official
justices, justices' clerk, or sheriff, shall
and paid in advance into the hands
rk, and be by him daily, weekly or

monthly, as the municipal council r
and before his salary shall be allowe
for in detail, under oath, and paid in
ury of such city, or city and county
the special-fee fund thereof; provide
payment in advance shall not be e
parties who may prove, to the satisf
presiding justice, that they have go
action, and that they are not of su
niary ability to pay the legal fees; r
ment shall be rendered in any actio
justices' court, or any of said justic
fees allowed therefor, and all fees
services therein, which are destined
into the treasury, shall have been pa
cases of poor persons, as hereinbefor

Sheriff and deputies for justices' co

Sec. 217. The sheriff of such city
shall be ex-officio an officer of said
shall be his duty to serve or execute
be served and executed, each and e
writ, or order that may be issued by
court; provided, that a summons issu
court may be served and returned a
section eight hundred and forty-nine
of Civil Procedure; and that subpoen
sued by the justices' clerk, and serve
in sections nineteen hundred and eigh
nineteen hundred and eighty-eight of
Civil Procedure. The said sheriff ma
addition to the other deputies allow
three deputies, whose duty it shall
said sheriff in serving and executing
writs, and orders of the said justices
deputies shall receive a salary of n
one hundred and twenty-five dollar
each, payable monthly, out of the cit
treasury, and out of the special-fee
being first allowed and audited as ot
are by law required to be audited
One of said deputies shall remain i
during the sessions of said court, and
er times as the said court or the pre
thereof may order and direct, for th
attending to such duties as may be
said sheriff or said deputies, as he

by law. The said sheriff shall be lia-
official bond for the faithful perform-
duties required of him or any of his
es.

tion.

All actions, suits, and proceedings in
or city and county, whereof justices
e or justices' courts have jurisdiction,
e cases of concurrent jurisdiction that
mmenced in some other court, shall be
n the justices' court of the city of ——
y and county of ——)," (inserting the
e city, or city and county), and com-
d prosecuted in said justices' court.
be always open. The original process
urnable, and the parties summoned re-
ppear, before the presiding justice, or
of the other justices of the peace, to
ed by the presiding justice at his of-
complaints, answers, and other plead-
pers required to be filed, shall be filed
rd of all such actions, suits, and pro-
ade and kept in the clerk's office afore-
he presiding justice, and each of the
es, shall have power, jurisdiction, and
o hear, try, and determine any action,
ceeding so commenced, and which shall
made returnable before him, or may
or transferred to him, or any motion,
or issue therein (subject to the consti-
ht of trial by jury), and to make any
nd proper orders therein.

lisability of justice, case to be tried be-
other justice.

In case of sickness, or disability, or
a justice of the peace (on the return of
or at the time appointed for trial) to
use has been assigned, the presiding
l reassign the cause to some other jus-
hall proceed with the trial and disposi-
cause in the same manner as if origin-
d to him; and if, at any time before the
ause or matter returnable or pending
of said justices, either party shall ob-
ing the cause or matter tried before
on the ground that such justice is a

material witness for either party, or on
of the interest, prejudice, or bias of s
and such objection be made to appear
ner prescribed by section eight hundr
ty-three of the Code of Civil Procedu
justice shall suspend proceedings, and
ing justice, on motion and production
of the affidavit and proofs, shall orde
fer of the cause or matter for trial
other justice, to be designated by him
siding justice may, in like manner,
transfer any contested motion, applic
sue in law, arising in any cause, re
pending before him or any other just
other justice, and the said justice to
cause, matter, motion, application, or
be so as aforesaid assigned or transf
have power, jurisdiction, and author
try, and determine the same accordi

Certain cases to be certified to superi
presiding justice, and justices' cle

Sec. 220. Cases which, by the provis
are required to be certified to the su
by reason of involving the question of
session of real property, or the legality
impost, assessment, toll, or municipa
be so certified by the presiding justi
tices' clerk; and for that purpose, if s
shall arise on the trial while the cas
before one of the other justices, such
certify the same to the presiding just
stracts and transcripts of judgments
ings in said court, or in any of the do
isters of or deposited in said court, sh
and certified from any of such dock
ters and signed by the presiding justic
and shall have the same force and
stracts and transcripts of justices of
other cases. Appeals from judgments
said court shall be taken and perfected
ner prescribed by law, and the notic
and all papers required to be filed t
shall be filed with the justices' clerk.
on appeal shall be settled by the justi
the cause. Sureties on appeal, or on
undertaking given in any cause or p

t, when required to justify, may justify
y one of the justices.
on.
. The jurisdiction of the justices' court
ity, or city and county, extends to the
the city, or city and county, and its pro-
be served in any part thereof.
f associate justices.
. The presiding justice, whenever in his
the prompt dispatch of business shall
, may require the aid of one of the jus-
he peace in the discharge either of his
s or those of the justices' clerk (the col-
fees, accounting for, and paying the
the treasury excepted), and each of the
vhen so required, shall, for the purpose,
same power and authority as the presid-
e or clerk in whose aid he shall act; and
of the justices, when required as afore-
act as a justices' clerk pro tempore dur-
emporary absence or disability of such
h the same powers, duties, and responsi-

docket."
. In a suitable book, strongly bound,
es' clerk shall keep a permanent record
ions, proceedings, and judgments com-
ad, or rendered in said justices' court,
k shall be a public record, and be known
ustices' docket," in which docket the
l make the same entries as are provided
ion nine hundred and eleven of the Code
Procedure, and which said docket and
erein shall have the same force and ef-
provided by law in reference to dockets
s of the peace. To enable the clerk to
such docket, each of the justices shall
utes of his proceedings in every cause
e before, or assigned or transferred to,
rial or hearing, and upon judgment, or
osition of a cause, such justice shall im-
certify and return the said minutes,
with all pleadings and papers in said
the clerk's office, who shall immediately
file the same, and make the proper en-
r the title of the action in the docket

Procedure.

Sec. 224. The justices' court and the
the peace of every such city and count
governed in their proceedings by the pr
law regulating proceedings before justi
peace, so far as such provisions are not
modified in this chapter, and the same
be made applicable in the several cas
before them. The justices' court of su
city and county, shall have power to m
not inconsistent with the constitution
for the government of such justices' cou
officers thereof; but such rules shall
force until thirty days after their public
no rule shall be made imposing any tax
on any legal proceeding, or giving any
to any justice or officer for services.

New justices' court a continuation of

Sec. 225. All actions and proceeding
and undetermined before the justices'
such city, or city and county, if any, a
of its organization under this act, sha
ceeded in, heard, and determined before
herein provided for, and execution shall
thereon, and other proceedings had there
er before or after judgment, whether on
otherwise; and the court provided for
act shall be deemed to be a continuat
same court before existing, and not a ne

Prohibition to practice by justices.

Sec. 226. It shall not be lawful for a
of the peace, the justices' clerk, or the
any of his deputies, of such city, or city
ty, to appear or advocate, or in any m
as attorney, counsel, or agent for any pa
sons in any cause, or in relation to an
account, or claim, pending, or to be sue
cuted before said justices, or any of them
may be within their jurisdiction. A v
the provisions of this section shall be
misdemeanor in office.

Qualifications of attorneys.

Sec. 227. No person other than an a
law, duly admitted and licensed to p
courts of record, shall be permitted to
attorney or agent for any party in any

before said justices, or any of them, produce a sufficient power of attorney to , duly executed and acknowledged be- of said justices, or before some other norized by law to take acknowledgment which power of attorney, or a true copy ly certified by one of the justices afore- on inspection of the original, shall at- genuineness), shall be filed among the such cause or proceeding.

nt of additional justices.

If, at the time of the organization of city, or city and county, under this act, l not be the complement of justices of provided for in this chapter, the mu- ncil of such city, or city and county, int a suitable person or persons to fill lement and the person or persons so ap- all hold office from his or their appoint- until his or their successor or successors lected or appointed and qualified.

rt.

The judicial power of such city, or county, shall be vested in a "police be held therein by the police judges. court shall not be a court of record. shall have a seal. The judges of said hold as many sessions of said court at ime as there are judges thereof. There wo departments of said court, denomi- pectively, Department One and Depart- . The court may sit in departments, be always open for the transaction of There shall be, as far as practicable, an ribution of cases between the said de- which cases shall be alternately set trial to each department in the order in warrants are issued or proceedings efore the court. Said judges shall, as ay be after the commencement of the their office, classify themselves by lot ment to said departments, and shall be ssigned accordingly.

l jurisdiction of police court.

All the power and jurisdiction of said l be enjoyed and may be exercised in

bank, or in either department there
powers of said judges may be exercis
of them.

Same.

Sec. 231. The police court of such
and county, shall have jurisdiction:

1. Of an action or proceeding for
of any ordinance of such city, or city

2. Of proceedings respecting vagra
orderly persons.

Same.

Sec. 232. The police court shall h
tion of the following public offenses c
such city, or city and county:

1. Petit larceny; receiving stole
when the amount involved does not
dollars;

2. Assault and battery, not char
been committed upon a public officer
charge of his duties or with intent to

3. Breaches of the peace, riots, a
mitting willful injury to property, an
demeanors punishable by a fine not e
thousand dollars, or by imprisonment
ing one year, or by both such fine a
ment;

4. Said court or judges shall have
of proceedings for security to keep th
also, throughout such city and count
powers and jurisdiction, in other crim
cases, prosecutions, and proceedings a
hereafter may be conferred by law u
justices' courts.

Power to hold examinations.

Sec. 233. The judges of said cour
power to hear cases for examinatio
commit and hold the offender to bai
the superior court, and may try, con
quit, and carry their judgment into
the case may require according to la
have power to issue warrants of arr
nas, and all other process necessary
and proper exercise of their power
tion.

May commit to home of inebriate.

Sec. 234. Said court or judges sh
power to commit to the home for th

hen any such institute may be estab-
person who may be convicted before
itual intemperance, for a term not ex-
months, or until sooner released by
e police judges, or by the board of
such institution by a two-thirds vote
iembers of said board.

commit to industrial school.

The said court or judges shall have
o commit all offenders duly convicted.
een years of age, to the industrial
id city and county, in all cases where
ment shall by said court or judge be
e more suitable than the punishment
rovided by law, not to exceed six
upon any trial, it shall appear that
n trial is under fourteen years of age,
e an act which if done by a person of
ld warrant a conviction of the crime
nor charged, then and in that case
r judges shall have power to commit
o the industrial school. In either case
or judges may sentence such person
ed in the correctional department of
ial school for any term not exceed-
ths. Upon application of the mayor,
ber of the supervisors, or of any three
rging that any child under eighteen
e lives an idle or dissolute life, and
ents are dead, or, if living, do, from
or other vices or causes, neglect to
suitable employment, or exercise sal-
ol over such child, the said court or
have power to examine the matter,
eing satisfied of the truth of such
y sentence such child to the industrial
ided, that no person shall be so sen-
longer period than until he arrive at
ighteen years.

e to labor on public works, etc.

In cases where, for any offense, the
s or judges are authorized to impose
prisonment in the county jail, or both,
ay instead sentence the offender to be
labor on the public works, or in the
rrection or work-house as the super-

visors may prescribe, for a period of
to the term of imprisonment which mi
be imposed, and, may, in case a fine
embrace as a part of the sentence that
of payment thereof the offender shall
to labor on said works, at said house
tion or work-house, or elsewhere, at
one dollar a day, till the fine imposed
provided, that no person under the age
one years, or who is to be sentenced,
tion for drunkenness or breach of the
be sentenced to labor upon the public w
from the house of correction or work-

Punishment of contempt.

Sec. 237. The said court and judges
ish contempts in the same manner and
extent as superior courts, and the law
ing contempts applicable to superior c
be applicable to said police court and j

Record to be kept by county clerk.

Sec. 238. The county clerk shall kee
of the proceedings of the police court
process ordered by said court, and shal
the auditor, monthly, and before any a
be paid to him on account of his salary
and detailed account, upon oath, of al
posed, and all bail forfeited, and mon
ed, as clerk of said court, since his la
rendered. He shall prepare bonds, just
cept bail, when the amount has been fi
police judges, in cases not exceeding on
dollars, and he shall fix, justify, and
after arrest, in the absence of the pol
in all cases not amounting to a felony,
manner and with the like effect as if
had been fixed by the police judges or p
The county clerk shall appoint three dep
who shall act as deputy clerks of said p
The clerk and the deputy clerks in t
mentioned shall have authority to admin
and affirmations, and take and certify
in any proceeding in said police court,
said city and county, and to issue subpo

Office hours.

Sec. 239. The police judges and th
clerks shall attend at the court roo

e dispatch of business daily, from the
o'clock A. M. until five o'clock P. M.,
uch other reasonable hours as may be
r the discharge of their respective du-
on legal holidays.

fines by clerk into treasury.
The county clerk, as clerk of the po-
hall pay to the treasurer of said city
immediately, all fines collected and
d, accompanied by a verified written
owing from whom each fine was col-
collected, in what case, specifying
and in what amount, and in what case
m such bail was forfeited. He shall,
upon the forfeiting of any bail bond
court, transmit to the district attor-
f such bail bond, duly certified by him
eal of that court to be a true copy.
ch certificate the fact of such forfeit-
date thereof.

e peace may preside in police court.
Any justice of the peace of the said
nty who may be designated, in writ-
mayor for the purpose, shall have
eside in and hold the police court of
d county, or any department thereof,
of the temporary absence of the po-
or either of them, or of their inabil-
om any cause; and during such tem-
nce or disability the justice so desig-
ct as police judge, and shall have and
the powers, jurisdiction, and author-
e or may be by law conferred upon
judges.

stant district attorney.
It shall be the duty of the assistant
rneys, acting in the police court, or
ach of them, whenever they shall have
y informed that any person criminal-
y another is likely to die, to take the
ment of such person, and to immedi-
the same to writing. It is also here-
e duty of attending physicians, and
ing of such cases, to report the same
to such assistant district attorneys.

Attorney before police court.

Sec. 243. No person shall be permi
as attorney or counsel before the poli
the police judges, unless he shall be a
and counselor admitted to practice in t
court of this state.

Bailiffs for court.

Sec. 244. The chief of police shall de
or more policemen, who shall attend
upon the police court, act as bailiffs t
execute the orders and process of said
the judges thereof.

Abolition of courts and transfer of re

Sec. 245. The police judge's court an
judge's court number two of said city
ty, and the offices of the judges there
abolished at twelve o'clock noon, of th
day after the first day of January,
eighteen hundred and eighty-five, and a
all records, registers, dockets, books,
tions, warrants, judgments, and proce
ed, deposited, or pending before the sa
tioned courts, or the judges thereof,
force hereof transferred to said police c
police court and the police judges here
for shall have the same power and
over them as if they had been in the fi
lodged, deposited, or commenced in
court, or before the judges last afo
nothing herein contained shall affect
ment rendered or proceeding had befor
in said police judge's court or said po
court number two, or before the judges
either of them.

Interpreters.

Sec. 246. There shall be appointed by
of the superior court of such city and
competent persons deputies to act as
and translators of the following
French, German, Italian, Spanish,
Chinese, and Sclavonian. The said de
each receive a salary of one thousan
dred dollars per annum, which shall
the same manner as the salaries of o
are paid. It shall be the duty of e
deputies to attend in all the courts

d county, when required by any of
iereof, without further compensation
aries above provided.

VI.—Educational Department.

ucation.
There shall be a board of education
, or city and county, which shall be
twelve school directors, elected as
his chapter, who shall hold office for
nd until their successors are elected
. They shall have the same qualifi-
eligibility requisite for members of
aldermen. Said board shall organize
after the election and qualification
ers, by electing a president from
rectors elected, and annually thereaf-
hold meetings monthly, and at such
board shall determine. A majority
mbers elected shall constitute a quor-
act business, but a smaller number
from time to time. The board may
e rules of its proceedings. Its ses-
e public, and its record shall be open
ection.

nt of schools.
There shall be elected by the quali-
f such city and county, at the gen-
ection, a superintendent of schools,
e office on the first Monday after the
January next following his election,
e for the term of four years, and un-
sor is elected and qualified. He shall
duties as are prescribed by law.

ard.
The board of education shall have

tricts.
lish school districts, and to fix and al-
daries thereof.

ools.
ain public schools as organized at the
organization of such city, or city and

county, under this act, and to consoli
continue the same as the public good

Establish high-schools.

3. To establish high, normal, and
schools for the education of teachers

Employ and dismiss teachers, etc.

4. To employ and pay and to dism
janitors, school-census marshals, and s
ics and laborers, and such other per
be necessary to carry into effect the
duties of the board, and, unless othe
ed by law, to fix, alter, and allow pa
ies and compensations, and to withh
and sufficient cause, the whole or an
salary or wages of any person or
ployed as aforesaid.

Make and establish rules, etc.

5. Also to make and establish an
necessary and proper rules and regula
government and efficiency of the scho
and pupils, and for the carrying into
school system; and to establish and
grade the schools, the course of studi
of instruction therein; to investigate a
misconduct on the part of teachers a
ployees of the board; to administer oa
testimony; to summon and enforce th
of and examine witnesses for such pu
the board, or a member or commi
Any person summoned and refusing t
testify shall be deemed guilty of a
and any person testifying falsely sh
of perjury, and on conviction punishe
ly.

Provide fuel, stationery, etc.

6. To provide for the school depart
city, or city and county fuel, lig
blank-books, books, printing, and sta
such other articles, materials, or sup
be necessary and appropriate for use i
or in the office of the superintendent.

Provide school-houses.

7. To build, alter, repair, rent,
school-houses, and furnish them
school furniture, apparatus, and ap
to insure any and all school property

such buildings as may be necessary of the board and its committees.

school lots.

eive, purchase, lease, and hold in fee such city, or city and county, any and ate and personal property that may which hereafter may be acquired for benefit of the schools of such city, or unty.

l lots.

ade, fence, and improve school lots, t thereof.

be sued.

ue for any and all lots, lands, and longing to or claimed by the school of such city, or city and county, and and defend all actions at law or in ssary to recover the full enjoyment ion of said lots, lands, and property, re the services of the city, or city and rney in all such suits and proceed-

end disbursement of school moneys.

stablish regulations for the just and rsement of all moneys belonging to department, or to the public-school make rules and regulations to secure d accountability in the expenditure of y.

ain personal property.

ischarge all legal incumbrances exist- ny school property; to dispose of and rsonal property used in the schools as ger be required, and all moneys real- sales shall be paid into the city treas- credit of the public-school fund.

ts, etc.

ase, for the benefit of the public-school term not exceeding five years, any un- operty of the school department not school purposes; to prohibit any child ears of age from attending the schools; ly to do and perform such other acts necessary and proper to carry into fect the powers conferred on said board.

Who may administer oaths.

Sec. 250. The president of the boa
tion, the superintendent, and the se
have power to administer oaths or
concerning any demands upon the t
able out of the public-school fund, o
ters relating to their official duties o
department.

Reports.

Sec. 251. It shall be the duty of eac
make quarterly reports to the board
tion of the schools in their respective

Supplies, how furnished.

Sec. 252. It shall be the duty of
education to furnish all necessary sup
public schools. All supplies, books,
fuel, printing, goods, material, build
merchandise, and every other articl
supplied to or done for the public sc
of them, when the expenditure to b
likely to exceed two hundred dollars,
by contract, let to the lowest respon
after advertisement by the super
schools; and the contract shall be ent
the superintendent with the party t
contract is awarded; and the superin
take care that such contract is ca
strict accordance with the terms ther

Bids and contracts, how made and aw

Sec. 253. All bids or proposals ma
preceding section shall be delivered
intendent of schools, and said board s
session, open, examine, and publicly
same, and award the contract to th
sponsible bidder; provided, said boar
any and all bids, should they deem it
lic good, and also the bid of any par
be proved delinquent or unfaithful in
contract with such city and county, o
and cause a republication of the no
posals as above specified. Any per
for any one article.

Not to be interested in contract.

Sec. 254. Any school director, offi
person officially connected with the s
ment, or drawing a salary from the

shall, while in office, or so connected,
salary, be interested, either directly or
, or who shall gain any benefit or ad-
om, any contract, payments under
to be made in whole or part
oneys derived from the school
raised by taxation or otherwise
ublic schools, shall be deemed
lony, and on conviction, punished ac-
nd this provision shall not be con-
ieve such persons from any other pen-
ll be deemed cumulative to and with
es and disabilities as to such acts and

rt.

The board shall make and transmit,
fifteenth day of January and the
February of each year, to the state
nt of public instruction, and to the
nunicipal council of such city, or city
a report, in writing, stating the whole
ublic schools within the jurisdiction,
f time they have been kept open, the
upils taught in each school, the whole
oney drawn from the treasury by the
during the year, distinguishing the
wn from the general fund of the state
er, and from what sources, and the
purpose in which such money has
ed. with particulars, and such other
as may be required from them by the
tendent, the municipal council, or the

ol.

The board shall provide evening-
e held in the public school-houses, for
of those unable to attend the day-
ey shall make and enforce regulations
e teachers to keep records of the
and residences of all pupils, and the
esidences of their parents, and the ag-
ndance of each pupil during the year,
y and report the same on the thirty-
December to the board; and such oth-
regulations for the purpose of ascer-
attendance and efficiency of the de-
d progress of education.

Superintendent a member of board.

Sec. 257. The superintendent of schoo ex officio member of the board of educa out the right to vote.

Clerk.

Sec. 258. Said superintendent shall clerk, subject to the approval of the bo cation, who shall act as secretary of His salary shall be two hundred dollar Said clerk may be removed at the plea superintendent, and shall perform such shall be required of him by the board perintendent.

Report of superintendent.

Sec. 259. The superintendent shall re board annually, on or before the first gust, and at such other time as the boa quire, all matters pertaining to the ex income, condition, and progress of schools of such city, or city and cou the preceding fiscal year, with such re tions as he may deem proper. He sha and cause to be observed, such genera the regulation, government, and instruc schools, not inconsistent with the l state, as may be established by the shall attend the sessions of the board, himself, at each session, of the co schools, school-houses, school funds, matters connected therewith, and to such measures as he may deem necessa advancement of education in such ci and county. He shall acquaint himse the laws, rules and regulations gov public schools in such city, or city a and the judicial decisions thereon, and on subjects connected with the public s tuitously to officers, teachers, pupils, parents and guardians.

Shall visit schools.

Sec. 260. The superintendent of sc visit and examine the schools, and see are efficiently conducted, and that the regulations of the board are enforced in and that no religious or sectarian book ings are allowed in the schools, and

he board. He shall also report to the
ntendent at such times as such officer
e.

w filled.

Any vacancy in the office of school
ll be filled for the remainder of the
erson to be appointed by the board of

office of superintendent, how filled.

In case of a vacancy in the office of
ent, the board of aldermen may ap-
son to fill the vacancy until the next
tion, when the office shall be filled by

The school fund of such city, or city
shall consist of all moneys received
ate school fund; of all moneys arising
which shall be levied annually by the
ouncil of such city, or city and county,
urposes; of all moneys arising from
exchange of any school property, and
er moneys as may, from any source
e paid into said school fund. Said
e kept in the city, or city and county,
parate and distinct from all other
l shall only be used for school pur-
the provisions of this chapter. No
missions shall be allowed or paid for
ollecting, keeping, or disbursing any
ys; and if at the end of any fiscal year
remains in the school fund, such sur-
shall be carried forward to the school
next fiscal year; and shall not be, for
e whatever, diverted or drawn from
except under the provisions of this

how used.

The said school fund shall be used and
said board of education for the follow-
s, to wit:

e payment of the salaries or wages of
nitors, school-census marshals, and
ns who may be employed by said

e erection, alteration, repair, rent, and
f school-houses;

3. For the expenses of high, norma
perimental schools;
4. For the purchase money or rent o
or personal property purchased or hire
board;
5. For the insurance of all school pro
7. For the discharge of all legal inc
now or hereafter existing on any schoo
8. For lighting school-rooms, and the
rooms of the superintendent and the bo
ucation;
9. For supplying the schools with f
apparatus, blanks, blank-books, and
school appliances, together with books
gent children;
10. For supplying books, printing, a
ery, for the use of the superintendent an
education, and for the incidental expen
board and department;
11. In grading, fencing, and improvi
lots.

Claims, how allowed.

Sec. 265. All claims payable out of
fund (excepting coupons for interest
bonds), shall be filed with the secret
board, and after they shall have been
by a majority of all the members el
board, upon a call of "yeas" and "nay
shall be recorded), they shall be sign
president of the board and the superin
the public schools, and be sent to th
county auditor. Every demand shall ha
ed upon it a certificate of its approv
board, showing the date thereof, and t
thorizing it, by title, date, and section
mands for teachers' salaries shall b
monthly.

Demands on school funds.

Sec. 266. Demands on the school fu
audited and approved in the usual m
though there shall not, at the time, be
the treasury for the payment of the sam
ed, that no demand on said fund shall b
of or become a charge against the scho
any subsequent fiscal year; and further
that the entire expenditures of the said
partment, for all purposes, shall not, in

ed the revenues thereof for the same

designate fund.

The city, or city and county, auditor by indorsement upon any claim or de- ted on the school fund, the particular und out of which the same is payable, is payable from no other source.

lls receivable for taxes.

Audited bills for the current fiscal ages or salaries of the teachers in the ols shall be receivable for school taxes eal estate.

ls shall be audited and paid in the us- nner.

All lawful demands authorized by this school purposes shall be audited and n the usual manner, and the auditor er of such city, or city and county, are authorized to audit and pay the same, rdered paid and approved by the said ided, that the said board shall not have o contract any debt or liability, in any soever, against such city, or city and contravention of this chapter; and pro- er, that the allowance or approval by f demands not authorized by this chap- no warrant or authority to the auditor r to audit or pay the same.

lucation to make estimate.

It shall be the duty of the board of f such city, or city and county, on or second Monday of September of each ort to the municipal council an estimate unt of money which will be required year for the purpose of meeting the cur- l expenses of public instruction in such and county, specifying the amount re- supplies furnished pupils, for purchas- curing sites, for leasing rooms or erect- gs, and for furnishing, fitting up, alter- ging, and repairing buildings; for t of schools organized since the l apportionment for salary of teachers, clerks, and other employees, and

other expenditures authorized by
the aggregate amount so reported
exceed the sum of thirty-five dolla
pupil who shall have actually attende
taught in the preceding year in the sch
to participate in the apportionments.
of pupils who shall be considered as
tended the schools during any one year
certained by adding together the num
attendance of all the pupils in the com
during the year, and dividing the s
number of school-days in the year.
pal council is authorized and empowe
and cause to be collected, at the time
manner of levying state and other city,
county, taxes, the amount of tax, no
thirty-five dollars per pupil, determi
ported by the board of education. The
levied and collected shall not include
received annually from poll-taxes.

No sectarian school shall receive scho

Sec. 271. No school shall receive an
the school moneys in which the religio
or tenets of any particular Christian
ligious sect are taught, inculcated, or
in which any book or books containi
tions favorable or prejudicial to the pa
trines or tenets of any particular C
other religious sect is used; nor shall
books or teachings be permitted in t
schools.

No member of board shall disburse sc
or accept gift.

Sec. 272. No member of the board o
shall ever become the disbursing age
board, or handle or pay out any of its
der or upon any pretense whatever.
tion of this provision shall be a misden
shall subject the offender, besides the
to removal from office. Any member
the board of education who shall, whi
accept any donation or gratuity in m
any valuable thing, either directly or
from any teacher, or candidate, or appl
position as teacher, upon any pretense
shall be deemed guilty of a misdemean

e ousted by the board, or by any court
it jurisdiction, from his seat, on proof
ny member or officer of the board of
ho shall accept any money, or valuable
e promise thereof, with an agreement
nding, express or implied, that any
, in consideration thereof, get the vote
of such member or officer for a situ-
eacher or employee of any kind in the
rtment, shall be deemed guilty of a
on conviction, shall be punished ac-

e VII.—Miscellaneous Provisions.

n do not conflict with this act are con-
force.
All the existing provisions of law de-
nties of county officers, excepting those
supervisors and boards of supervisors,
ne same are not inconsistent with, re-
ltered by the provisions of this chap-
considered as applicable to officers of
dated cities and counties, acting or
er this chapter. Provisions shall be
the revenues of any city, or city and
etofore existing and reorganized under
the payment of the legal indebtedness
cipal incorporation to which such reor-
, or city and county, shall succeed, or
is a reorganization, as well as for that
or city and county, after its organiza-
funding acts and other laws providing
ments of principal and interest on any
t of such former corporation shall re-
rce. The taxes which may be levied
d in such city, or city and county, shall
throughout the same.
isions of this chapter shall apply.
The provisions of this chapter concern-
llowing-named officers, to wit, sheriff,
, recorder, coroner, and public admin-
ll apply only to consolidated cities and
he provisions of this chapter relating
ct attorney shall, except in consolidated

cities and counties, be deemed to apply
attorney; and no sheriff, county clerk
district attorney, coroner, or public ad
shall be elected in any municipal corp
der the provisions of this chapter, excep
idated cities and counties.

Duty of municipal council in the levy

Sec. 288. The municipal council of an
solidated city and county shall perfor
ties in and about the levy and equalizat
and county taxes, and all other matters
as are or may be prescribed by law fo
supervisors of counties in like cases, an
sistent with the provisions of this chap

CHAPTER III.

MUNICIPAL CORPORATIONS OF
OND CLASS.

(A charter for cities having a populat
than 30,000 and not exceeding 1

Article I.—General Powers.

Powers of municipal corporations of
class.

Sec. 300. Every municipal corporatio
ond class shall be entitled the city of -
it), and by such name shall have perpe
sion, may sue, be sued, in all courts
and in all proceedings whatever, shall h
a common seal, alterable at the plea
city authorities, and may purchase, le
hold, and enjoy real and personal pr
control and dispose of the same for t
benefit; provided, that it shall purch
the city no property except such as sh
ed necessary for establishing hospit
cemeteries, and industrial schools.

General Provisions Relating to Officers.

hen held.

The municipal election shall be held
d Monday of March of each even-num-
and such election shall be subject to
isions of the law regulating elections
icers, except as otherwise provided in
. At such election there shall be elect-
government of the city the following
ven councilmen, who shall constitute
e known as the city council; a mayor,
who shall be ex officio clerk of the city
ity attorney; a school superintendent,
superintendent, who shall respectively
for the term of two years; and until
sors are elected and qualified. One
shall be elected from each ward, by
the city at large, and shall hold office
of two years, and until his successor
ad qualified.

The clerk and treasurer, superintend-
blic schools, street superintendent,
her officers when required by the
by ordinance, shall each, before enter-
s official duties, and within ten days
t of his certificate of election or ap-
execute a bond, in such sum as the
direct, payable to the city; which bond
ject to the law concerning the official
ficers, and to approval by the mayor.
ncil may at any time require an ad-
ount, or new sureties, upon any bond
y deem insufficient. If such additional
not given, the council upon notification
he mayor, may, by vote of two-thirds
ers, declare the office vacant.

o be paid into treasury.

All fees, percentages, and all other
ived or collected by any officer of the
e paid by such officer, at the end of

each month, into the city treasury, for
the city; and no payment shall be m
officer for salary until he shall have
filed with the clerk, an affidavit that
into the city treasury all fees, percenta
other moneys by him theretofore rece
lected.

No city officer shall be surety on bond
porate officer.

Sec. 304. No member of the city co
the board of education, nor any officer
shall be surety upon the official bond
porate officer, nor shall he be, directly
ly, interested with or be surety for any
may be interested in any franchise, c
propriation, work, or business, or in
of anything the price of or conside
which is paid or payable by the city, o
ments levied under an ordinance of the
shall any contract be awarded or fran
ed to any person who may be surety on
bond of any officer of the city.

Vacancy, how filled.

Sec. 305. If any officer of such city,
of the city council, or board of educati
move from the city, or absent himsel
for more than thirty days, or shall fai
by taking the oath of office as prescribe
to file his official bond, whenever such
quired, within ten days from the time
is duly ascertained and declared, his
be hereby absolutely vacated, and the
shall thereupon fill the vacancy upon
by the mayor.

Oath of office.

Sec. 306. Every officer provided for h
ter shall, before entering upon the du
office, take and file with the treasurer t
tional oath of office; provided, that the
fice of the treasurer shall be filed with

Salaries.

Sec. 307. The salaries of the officers
shall be as follows: Mayor, one thous
per annum; clerk and treasurer, two th
lars per annum; assistant to the clerk

ousand two hundred dollars per an-
of the police court, one thousand two
lars per annum; clerk to the police
undred dollars per annum; city attor-
usand dollars per annum; street super-
e thousand eight hundred dollars per
ain of police, one thousand eight hun-
per annum; police detective, one thou-
ndred dollars per annum; school super-
vo thousand dollars per annum; assist-
uperintendent, one thousand two hun-
per annum; policemen, nine hundred
nnum each. The mayor may appoint
shall receive a salary of nine hundred
annum. The salaries of all officers
l in monthly installments, at the end
every month of service.

e III.—Legislative Department.

ting.
The city council shall meet on the first
er their election, and at such other
y may by ordinance appoint. A ma-
council shall constitute a quorum for
on of business. They shall determine
their proceedings, and judge of the
and election of all officers; and shall
rdinance, the method of calling special
the council. Their sittings shall be
urnal of their proceedings shall be kept
. under their direction; and the ayes
ll be taken and entered on the journal
est of any member. They shall pre-
linance, the duties of all officers whose
t defined in this act. They shall have
raise, by tax, not exceeding one per
urposes (except for the redemption of
e assessed value of the real and per-
rty within the limits of such city,
the establishment and support of free
ools, and to provide suitable grounds

and buildings therefor, and defraying
expenses of the city, as well as for p
ing, or otherwise improving the stree
They shall also have power to pass a
necessary ordinances for the regula
of city property, and to give deeds th
shall have power to open, alter, estab
otherwise improve and regulate, s
and lanes, and the sidewalks upon
construct and keep in repair bridges,
interfere with navigation, fences, p
wharves, docks, ferries, piers, slips,
wells, and to make assessments ther
late and collect tolls, wharfage, docks
age, upon all water-craft, and all goo
make regulations for securing the h
ness, ornament, peace, and good orde
for preventing and extinguishing f
pointing and regulating firemen, po
such other officers as may be necessa
for the care and regulation of prisons
for licensing, taxing, and regulating
cles, business, and employments as th
may require, and as may not be prohi
to levy a tax license upon all dogs,
prevent the same from running at
streets and public grounds of the cit
and suppress all occupations, ho
amusements, and exhibitions which
good morals, or contrary to the pub
decency; for the regulation and locat
terhouses, markets, stables, and ga
houses for the storage of gunpowd
combustible materials, and limit th
combustible or explosive materials t
any one place; for prohibiting or su
erection of slaughter-houses, or the sl
animals within the limits of the cit
hibiting or suppressing the erection o
of any soap or glue factory, tan-yard,
azine, or other nuisance within the
city; and to declare what shall con
sance; and to make and enforce wit
all such local, police, sanitary, and
tions as are not in conflict with gene
provide suitable buildings for the

ment, and general welfare of the city. lso have power to pass such ordinance s as may be necessary to prevent ani- nning at large within the limits of the blish a pound, and appoint a pound- prescribe his duties, and to provide ic sale, by the pound-keeper, of such may be impounded, in the same way ke notice that personal property is ution under the laws of this state; at the owner or owners of such prop- ounded may reclaim the same at any sale, upon payment of costs and king up and impounding; and, within after the sale, upon proof of owner- roperty sold, duly made before the upon payment of the costs and ex- pounding and selling, and upon the he sum of one dollar to the mayor, as investigation of the question of own- for his certificate to that effect, such ners may receive the purchase money such sale or sales. Penalties for the any and all ordinances shall be by eeding one hundred dollars, and in be not paid, then the person or per- imprisoned at the rate of one day for llars of the fine imposed, or in lieu of ment, or any part of it, the person or ned shall labor, under the direction of orities, either upon the streets, public buildings, or in such other places as ned advisable for the benefit or reve- city. The city council, upon the nomi- e mayor, shall have power to appoint sons to fill vacancies in any elective that of mayor, until the next regular ection, when, if the term be unex- ction shall be held to fill such vacancy pired term of said offices. The mem- city council shall receive no salary for s. They shall have power to provide elections, to designate the place or lding the same, giving at least ten thereof; to appoint inspectors and ection, examine the returns, and de-

clare the result, and to determine c
tions. The president pro tempore
shall discharge the duties of may
there shall be a vacancy in the off
or when the mayor shall be absent
for a period exceeding five days, or
from sickness, to attend to the duties
In the absence of the clerk, the city
appoint one of their members to act
tempore; they shall also have power
any amount of money belonging to t
may at any time be in the hands of
after deducting the current expense
and the interest due upon the funded
city, as a sinking-fund whereby the
by the city may be redeemed, or they
time before said bonds shall becor
any surplus money which may belon
after paying said expenses and int
or purchase for the city, and in its
manner most advantageous to the
standing bonds, which bonds or cla
purchased, shall be immediately c
vided, this right shall not affect the
holders of said bonds, or in any
them from holding the same until s
come due and payable; they shall
power to determine the width of s
the material and manner of their co
well as the grade of the same; the
have the power to establish fire
within said districts to prevent the
wooden buildings, or any buildings
combustible materials, and also to
further repairing of wooden buildin
fire limits established.

Further powers.

Sec. 320. Said council shall also h

Construction of sinks, etc.

1. To regulate the construction of
ters, wells, cess-pools and privy-va
compel the cleansing or emptying of
the time and manner in which the
done.

Anchorage of vessels, etc.

2. To regulate the anchorage of

the city, and to prevent obstructions navigation of all navigable waters ame.

water.

vent persons from throwing into any k, bay, or other body of water within the city, from vessels, wharves, or s any dirt, ballast, ashes, garbage, ls, or other materials that may ob- ame or pollute the water thereof.

n streets to the channel of any navi- n or creek within the limits of the deep water to any navigable bay or the same, and to construct and main- wharves at the ends of such streets.

cation of boilers, etc.

ulate the location of steam-boilers, the of signs and awnings, and the con- entrances to basements or cellars lewalks.

ks, etc.

blish hack-stands, and to regulate the rges of hacks and other licensed ve- to require a schedule of such charges, conspicuous type and satisfactory to to be posted in a conspicuous place in or other licensed vehicle; provided, at the standing of hacks shall not be n any street upon which railroads steam shall be used.

ttendance of absent members.

pel the attendance of absent members cil at any of the meetings thereof, and e arrest of any person for disorderly their meetings.

eed of railway engines.

ulate the speed of railway engines in to require railroad companies to sta- at street crossings; to grant fran- tting steam railroads upon any of the e city; provided, that the same shall nted after two weeks' notice, pre- ished in some newspaper published in by ordinance passed by the vote of

two-thirds of the members elected to s
approved by the mayor, and upon th
petition, in writing, of the owners of
of the front feet of the lands upon the
the street to be so used.

Regulate entrance to and from theater

9. To regulate the means of entranc
exit from theaters, lecture-rooms, pu
and churches, and to prohibit the
chairs, stools, benches, or other obst
the aisles of such building.

Railway companies to keep certain st
pair.

10. To require railroad companies t
street in repair between the tracks and
within the distance of two feet upon e
the track occupied by the company.

License certain property and business.

Sec. 321. They shall also have the
right, in the manner prescribed by or
issuing and granting licenses, and of
tax licenses for the benefit of the city
following business and property, to
each and every person within the lim
city who shall vend any goods, wares o
dise, wines, distilled or fermented liqu
medicines, jewelry, or wares of precio
upon persons who keep horses or car
rent or hire; upon persons keeping bill
for hire, bowling-alleys, and shootin
also upon all taverns, inn-keepers, an
persons who may sell or dispose of
spirituous or fermented liquors or wi
quantities than one quart; and
licenses shall be issued quarterly
also upon any person within
of the city, who shall keep a
jack, bull, or ram, and who shall
same to be used for the purpose of
for hire or profit, which license shall b
license; all of which licenses, when
such city and duly obtained by the per
sons desiring the same, shall entitle the
on such business, trade, or profession in

eases of city property.

All sales or leases of property belong- city shall be by public auction to the der, and upon such terms and condi- council may by ordinance direct; and s for supplies, of any kind, for more ndred dollars, shall be let to the low- ble bidder, after ten days' notice given the same in three of the most public ne city, or by publishing the same in per printed and published in such city.

Licenses shall be discriminating and te to the amount of business; and it duty of the council, by ordinance, to kinds of business licensed in accord- ith.

The enacting clause of all ordinances follows: "The Mayor and council of —— do ordain as follows." Every or- ssed by the city council shall be pre- he mayor for his approval; if he ap- shall sign it; if not, he shall return it meeting of the council held after five fter, or at its next meeting; when the shall reconsider such ordinance, and be approved by a vote of two-thirds embers elected, and not otherwise, the take effect and stand as an ordinance y. All ordinances shall be published ek in a newspaper printed and pub- ch city, as often during such period as aper shall be published.

of taxation.

The council shall, upon the first Mon- ber in each year, fix the rate of taxa- evied upon all property, both real and said municipality necessary to raise venue to carry on the various depart- e city government for the then ensuing exceed one dollar for each one hun- upon the assessment roll, and to pay and other indebtedness of said city. uncil must, upon fixing said amount,

transmit a statement thereof to the
tor. The action of the city council
rate of taxation for city purposes is
of the rate so fixed upon all propert
and personal, in the said city, and bo
assessment roll of said county, and h
provided in sections three thousand se
and sixteen, three thousand seven h
seventeen, and three thousand sev
and eighteen of the Political Code,
state and county taxes. The county
thereupon compute and enter, in a sep
column in the assessment-book, th
sums, in dollars and cents, rejecting
of a cent, to be paid as a tax on
therein enumerated, for the purposes
government, and foot up the column,
total amount of such taxes. The ta
and computed shall be collected at th
and in the same manner as state and c
and when collected, shall be paid int
treasury for the use of said city; provi
property sold for such taxes shall b
redemption within the time and in
provided, or that may hereafter be
law, for the redemption of property s
or county taxes. All deeds made u
of property for taxes or special asse
der the provisions of this chapter, sh
same force and effect in evidence a
hereafter be provided by law for dee
erty sold for non-payment of state
taxes. The county treasurer must,
upon the demand of the city treasure
settle with the city treasurer, and pay
all moneys in the county treasury
such city, taking the receipt of the ma
treasurer therefor. The county treas
ceive, as compensation for all servi
under this section as tax collector a
one-third of one per cent of all mon
and paid over to the city treasurer, b
ceed in all one thousand dollars per
county treasurer and tax collector sh
on his official bond for all moneys rec
under the provisions of this section.

eas and nays in certain cases.

In all matters before the city coun-
ing the granting of franchises, letting
ts, auditing of bills, ordering of work
e or supplies to be furnished, or what-
nvolve the payment of money, or incur-
ot by the city, the vote shall be by yeas
and be recorded in the journal.

on members.

No member of the city council shall
e council upon any motion, resolution,
ce, in favor of any franchise, contract,
d, or appropriation, in which he may
pecuniary interest, present or prospec-

The city council shall not create, allow
to accrue any debt or liability in excess
lable money in the treasury that may be
portioned and appropriated for such
nor shall any warrant be drawn or evi-
ndebtedness be issued, unless there be
e sufficient money in the treasury legal-
ble to the payment of the same, except
fter provided.

incurred and paid.

If, at any time, the city council shall
cessary to incur any indebtedness in ex-
money in the treasury applicable to the
r which such indebtedness is to be in-
y shall give notice of a special election
lified electors of the city, to be held to
whether such indebtedness shall be in-
ich notice shall specify the amount of
ss proposed to be incurred, the purpose
of the same, and the amount of money
o be raised annually by taxation for an
d sinking fund, as hereinafter provided.
e shall be published for at least three
ome newspaper published in such city,
uring said period as said newspaper
blished; and no other question or mat-
e submitted to the electors at such elec-
on a canvass of the votes cast at such
appear that not less than two-thirds of

all the qualified electors voting at
shall have voted in favor of incur
debtedness, it shall be the duty of th
to pass an ordinance providing for
creating such indebtedness, and o
same; and an annual tax shall be l
lected upon all the real and personal
ject to taxation within such city, su
the interest on such indebtedness a
and also to constitute a sinking fun
ment of the principal thereof, withi
not more than twenty years from
contracting the same. It shall be
the city council, in each year ther
time at which other taxes are levi
tax sufficient for such purpose, in a
taxes by this chapter authorized to b
tax, when collected, shall be exclusi
ated to the payment of the principa
of such indebtedness, and the city t
be liable upon his official bond for
said fund otherwise used or appropr

Separate fund.

Sec. 330. It shall be the duty of th
before levying the annual city tax
by ordinance, separate funds, re
several funded obligations of the cit
the several departments requiring
penditures, including a general fund
centage of said levy shall be named
and the whole amount of taxes an
the city apportioned accordingly, an
shall be made except of balances
from the general fund to meet defi
provide for the redemption of city b

Bonded indebtedness, how paid.

Sec. 331. Any city having a bon
ness, contracted under laws heretc
shall levy such taxes for the payme
debtedness, and the interest thereo
vided for in such laws, in addition
herein authorized to be levied. Al
ceived from licenses, and from fi
and for forfeitures, shall be paid in
fund.

w streets.
The city council shall have power, up-
nent of just compensation, to lay out
ew streets, lanes, alleys, courts, and
n the corporate limits of the city, but
no power to subject the city to any
refor, except for the necessary ex-
rveying and mapping out the same,
aid streets are so laid out and opened,
ns of this chapter shall be applicable

common carriers.
The city council of said city shall
to issue and collect an annual tax li-
aymen, cabmen, omnibus proprietors,
and other common carriers doing bus-
city, the proceeds of said licenses to
to a street-department fund for keep-
r the streets in the city. Said annual
o be more than twelve dollars nor be
ght dollars for such persons so li-

reets.
The city council is empowered to open,
widen streets, and to modify the
hereof within its corporate limits, and
e the property benefited thereby, and
e expenses of such improvement upon
benefited, as hereinafter provided.

how commenced.
All proceedings under said power shall
ed by petition of five or more residents
lers within the city, signed by the pe-
dressed to the city council, and filed
k of said council. Such petition shall

mes of the petitioners, and a state-
ch of the petitioners is a resident and
ithin the city;
ment that, in the opinion of the peti-
public interests require that the im-
asked for (describing it generally)
ade;
est that the council proceed to order
ment made.

Duty of council.

Sec. 336. At the regular meeting nex
meeting at which the petition is prese
council, or at any subsequent meeting to
proceedings may be regularly adjourne
council may, by resolution duly passed,
the lands to be benefited by the improv
ed for in the petition, and to be assess
expenses thereof. Said resolution shal
description of each lot, piece, or parc
necessary to be taken and condemne
improvement, and shall also specify t
boundaries of the district of land bene
by, and to be assessed therefor, and
the city engineer to make a survey a
the lands described in the resolution,
which resolution shall be forthwith
by the clerk of said council to the said
neer.

Duty of city engineer.

Sec. 337. It shall be the duty of the
neer, immediately upon receiving a c
resolution mentioned in section four, to
lands described in said resolution and m
thereof, and to return said map to s
within twenty (20) days from the rece
of said copy of the resolution; said map
each piece, tract, or parcel of land neces
taken and condemned for said improv
also the exterior boundaries of the dis
benefited by such improvement and to
ed on account of the cost and expenses
declared in the resolution, and the ar
exclusive of public streets and alleys.
engineer shall have the right to enter
lands and make examinations and sur
of, and such entry shall constitute no c
tion in favor of the owners of said la
for injuries resulting from negligenc
ness, or malice.

Preliminary resolution.

Sec. 338. The council, at its regul
next after the return of the map by t
gineer, shall pass a preliminary resoluti
ing the intention of the corporation to
improvement asked for in the petition.

contain a description of each piece,
t of land necessary and sought to be
condemned for the improvement, and
terior boundaries of the district of
benefited thereby, and assessed for the
ereof; the resolution shall also specify
more than fifteen (15) days from the
reof, for the hearing by said council of
o the proposed improvement, and said
hall be published in at least one daily
ed and circulated in the city, daily
id non-judicial days excepted), for at
) days prior to the time fixed for said

If a majority of the owners of the
a to be assessed for the expenses of
ement shall, on or before the day fix-
esolution for the hearing of objections,
protest against said improvement, the
shall be discontinued; provided, how-
uch protest must be in writing, and
a description of the land claimed by
tant; and provided further, that the
, by a unanimous vote of all its mem-
ved by the mayor, proceed to cause
rement to be made, notwithstanding
.

tion.

If the owners of a majority in the
property to be assessed for the ex-
aid improvement fail to appear and
provided in section seven, or if the
a unanimous vote, approved by the
r said improvement to be made, said
t immediately pass a final resolution,
ich determination. Such resolution
o the said preliminary resolution, by
for a description of the lands neces-
ught to be taken and condemned for
ement, and the district to be assessed
enses thereof.

ers to assess damages.

Immediately after the passage of such
ion, the council shall apply to the su-

perior court of the county in whic
situated, either in term-time or vac
tion, for the appointing of three co
assess the compensation which sh
the owners thereof for the lands so
en for such improvement, and to a
property within the district to be be
the costs of such improvement.
shall recite all the proceedings had
ises, and shall specify the exterior
the lands sought to be taken, and al
boundaries of the district of lands
thereby, and assessed for the exp
A copy of the map made by the city
be annexed to said petition, and m
to in the petition for a description
aforesaid.

Duty of court.

Sec. 342. Upon filing such petiti
shall pass and take such jurisdictio
ceeding, and such court, or a judge
by order, fix a day for the hearing
tion, which shall not be less than
than twenty days from the date
Such order shall further direct noti
and place of such hearing to be give
by publication in two daily newspa
in such city, and designated in suc
least a period of ten days in succe

Requisites of notice.

Sec. 343. Such notice shall speci
boundaries of the lands sought to
such improvement, and of the lands
profited thereby and to be assesse
penses thereof, and shall further
damages to which the owner or own
sought to be taken may be entitled
will be inquired into and determi
such damages, together with the c
ceedings for the acquiring title to s
making apportionment thereof, will
ed and assessed upon the lands t
thereby, by commissioners to be app
court, on the day fixed by such orde
ing. Such notice shall be publishe

ys (Sundays and non-judicial days ex
ore such hearing.

At the time fixed for the hearing, or at
time as the hearing may be adjourned
shall proceed to hear any person inter-
ing the regularity of the proceedings,
ied that the proceedings have been reg-
appoint three competent and disinter-
nissioners. The court may, at any
e any or all such commissioners for
reasonable notice and hearing, and
vacancies occurring among them from
Any persons interested may object to
ment of any person as commissioner,
ore of the grounds specified in section
1 and forty-one of the Code of Civil
as grounds for the objection to the ap-
of persons as referees.

mmissioners.

Commissioners shall be sworn to
erform their duties according to the
f this chapter. They shall then pro-
w the lands mentioned and described
lution and petition, and may examine
oath, to be administered by any one
d shall keep minutes of the testimony
ney shall ascertain and appraise the
e property sought to be taken for the
ts, and of all improvements thereon
the realty, and of each and every es-
; if it consists of different parcels, the
ch parcel and each estate, or interest
l be separately appraised; if this prop
to be taken constitutes only a part of
cel, the damages which will accrue to
not sought to be condemned or taken,
the severance from the portion sought
and the construction of the improve-
manner proposed shall be appraised by
ssioners; they shall also ascertain and
as near as may be, the entire costs of
ngs for the opening, extension, or im-
aforesaid, including the costs of court

and of commissioners; they shall the
apportion and assess the whole amo
costs and expenses, value of property
taken, and damages to property not
the property within the district dec
resolution of the council to be bene
improvement, and shall assess eac
piece, or parcel of land within said di
portion to the benefits received by it f
provement.

Report.

Sec. 346. The said commissioner
time to be fixed by the court, shall m
of their proceedings, under their h
hands of a majority of them, to the s
which report they shall describe, w
certainty, the several parcels of land
taken for such improvement, and t
the owners thereof, respectively, so
can be ascertained, designating unkn
if any such there be, and the sum of
should be paid to each of said owne
her compensation for the land n
sought to be taken and condemned
provement, or of his or her estate, th
case only a part of a larger parcel ha
for such improvement, and the rema
is damaged or benefited thereby, th
scribe such remaining portion, and
sum to be paid or assessed to the ow
or such damages or benefits as the
they shall also describe, with comm
the several parcels of land within
deemed to be benefited by said impr
the names of the owners thereof, so
can be ascertained, designating unkn
if such there be, and the sum of mo
assessed upon each particular parce
should be paid by the owner thereof

Objections.

Sec. 347. Upon the filing of such re
court shall, by order, fix a day for h
tions to the confirmation thereof, and
notice of the time and place of said h
given by the clerk, by publication in

hed in said city, for at least ten days
d non-judicial days excepted), prior to
hearing.

ort.

Upon the day fixed for the hearing,
all proceed to hear any person inter-
any question touching the regularity
edings, the sufficiency of the compen-
led, or the justice or equality of the
and may confirm said report or set
ide, or remand the same for correc-
ration in any particular. If the re-
aside, the matter may in like manner
o the same or new commissioners ap-
ne court, who shall proceed as herein-
ded; if the report be remanded, it
ected or altered in any particular re-
e court.

n of commissioners.

The commissioners shall be entitled
e compensation for their services, to
o by the court, and taxed as part of
s of the proceeding.

hat to contain.

Upon confirmation of the report of the
rs, judgment shall be rendered by
reon, which judgment must describe
of land taken for such improvement,
unt to which the owner is entitled as
n or damages for the taking thereof,
e of such owner or owners, if known,
only a portion of a larger parcel is
judgment must describe such remain-
and the amount, if anything, to which
hereof is entitled as damages; and
escribe each parcel of land assessed
nses of such improvement, and the
ssessed upon each parcel respectively.
ent shall direct a sale of each parcel
or so much thereof as may be neces-
the amount of such assessment and
sale, and the application of the pro-
n sale to the payment of the expenses
and the amount of compensation and
arded by such judgment. Such judg-

ment shall be a lien upon the pro
which such assessment is made, an
forced by a sale of the property asse
inafter provided.

Enforcement of judgment.

Sec. 351. Within thirty days after
such judgment, the persons liable
the clerk of the court, for the benefit
entitled thereto, the several amount
such judgment, in default of which
parcels of land upon which such asse
not been paid shall be sold by the s
county under a certified copy of su
and in the manner provided by law
of property upon decree of foreclos
gage.

Money, to whom paid.

Sec. 352. The moneys realized fr
shall be paid by the officer making
the clerk of the court, for the benef
ties entitled thereto.

Final order.

Sec. 353. Whenever the aggregat
damages or compensation awarded
ment shall have been paid to the cl
voluntary payment or as moneys
sales under such judgment, the cour
and enter a final order or decree of
of the lands taken for such improv
order or decree shall describe the
demned and the purpose of such co

When title vests.

Sec. 354. A copy of such order or
be filed in the office of the recorder
ty, and thereupon, the property des
in shall vest in such city for the u
poses therein specified, and such city
titled to and may take immediate pos
of.

Payment of awards.

Sec. 355. Whenever the aggregat
damages or compensation awarded
ment shall have come to the hands
he shall, upon the demand of any p

r to said party the amount awarded to
by said judgment.

re than one claimant.

If there is more than one claimant to
of land taken for such improvement,
wner of any parcel is unknown, the
arded as damages or compensation for
thereof shall remain in court to be
the true owner by due process of law.

Any party feeling aggrieved by any
, orders, or judgments of such court
ided for may appeal to the supreme
other cases.

t of police.

The city council shall not have power
a greater number of policemen than
ual to one for every one thousand of
tion of such city. No policeman or
the fire department shall be removed
except upon the order and direction of
and after charges in writing have been
st him, and evidence upon the same
been heard in public in the mode and
be prescribed by ordinance.

gas and water.

All gas and water pipes laid in any
adamized, or graded street must be of
apacity to afford a free supply of gas
for the estimated necessities of such
the district to be supplied by such
period of not less than five years from
f laying the same; which estimate of
nd capacity shall be made by the city
nd approved by the council. It shall be
the council, by ordinance, to prescribe
for the laying of gas and water pipes
lic streets.

icle IV.—Executive Department.

ayor.

The mayor shall preside at all meet-
city council, but the council shall elect

a president pro tempore to preside du
sence. He shall communicate to the c
annually, or oftener if necessary, a g
ment of the situation and condition of
gether with such recommendations re
to as he may deem expedient. He s
lant and active in causing the ordina
city to be executed and enforced. He
head of police, and shall exercise a
and control over the conduct of all
officers, and receive and examine in
plaints preferred against any of the
tion or neglect of duty, and certify
the council. He shall sign all ordinan
tracts made on behalf of the city,
sign all licenses and warrants on t
He shall keep accounts current with
charged with the receipt or disburse
ey, and perform all the duties of an
shall perform such other duties as
scribed by law or ordinance.

Allowance of demands.

Sec. 371. Every demand upon the
cept for the salary of the mayor, mu
can be paid, be presented to the may
lowed, who shall satisfy himself
money is legally due and remains
whether the payment thereof from the
the city is authorized by law, and
fund. If he allow it, he shall indorse
word "allowed," with the name of t
of which it is payable, with the date
lowance, and sign his name thereto;
lowance or approval of the mayor, o
council, or of any other board or off
demand which upon the face of it ap
have been expressly made by law pa
the treasury or fund to be charged
shall afford no warrant to the treasu
disbursing officer for paying the sam
mand of the mayor for his salary sha
and allowed by the president pro tem
city council.

Duty of chief of police.

Sec. 372. The chief of police shall e
in the city, and return all process is

n by the city justices or either of them;
ersons guilty of a breach of the peace,
ation of any ordinance of the council,
em before the proper magistrate within
d do and perform such other duties as
scribed by ordinance or may be requir-
nayor.

cords of street superintendent.

The records kept by the street super-
f the city, and signed by him, shall
ame force and effect as other public
l copies therefrom, duly certified, may
evidence with the same effect as the
The said records shall, during all office
pen to the inspection of any citizen
examine them, free of charge.

eet superintendent.

The street superintendent shall keep
fice in some convenient place to be
y the city council, and such records as
uired by law. He shall superintend and
leaning of all the sewers in the public
the expense of the same shall be paid
treet-department fund, and perform all
red by law or ordinance of such city.

eet superintendent.

It shall be the duty of the street su-
t to see that the laws, orders, and
relating to the public streets and high-
lly carried into execution, and that the
nerefor are regularly enforced. He
imself informed of the condition of all
ts and highways, and also of all public
arks, lots, and ground of the city, as
scribed by the council; and should he
the laws, orders, and regulations rela-
ublic streets and highways carried in-
n, after notice from any citizen of a
ereof, he and his sureties shall be lia-
official bond to any person injured in
roperty in consequence of such neglect.
on city for certain damages.

If, in consequence of any graded street
ghway, improved under the provisions
ter, being out of repair, and in a con-

dition to endanger persons or anim
therein, any person while carefully
street or public highway, and exercis
care to avoid such danger, suffer da
person, or if any animals or other pr
lawfully ridden, driven, or conveyed
street or public highway, be injured,
stroyed through any such defect the
course for damages thus suffered
against the city; but if such defect i
or public highway shall have existed
of twenty-four hours or more after
street superintendent, then the stree
dent, and also all other officers thr
official negligence such defect shall
ed unrepaired, shall jointly and sever
to the party injured for the damages

City engineer, appointment of, and d

Sec. 377. The city council shall ha
appoint a city engineer, and by ordi
scribe his duties and fix his compens
exceed one thousand eight hundred
annum. It shall be the duty of the
to do the surveying and other work
be done by law or any ordinance of s
to survey, measure, and estimate th
and to be done under contracts
streets; and every certificate of wo
him, signed in his official capacity, sh
facie evidence in all the courts of
the truth of its contents; he shall
record of all surveys made by him.

Duties of treasurer.

Sec. 378. The treasurer shall rece
out all moneys belonging to the cit
an account of all receipts and expend
such regulations as may be prescri
nance; he shall make a monthly stat
council of the receipts and expendi
preceding month, and in his capacity
be shall keep all the papers and do
longing to the city, attend the mee
council and keep a journal of their
and a record of all their ordinances,
all things required of him by ordina

of officers.
9. It shall be the duty of the several
nd appointed officers of said city, when-
ired by the city council, to make reports
d council, and in the manner required of
d in their reports to embody all the mat-
information required pertaining to the
their respective offices.
cessary affairs.
9. The city council may provide by ordi-
the election or appointment of any oth-
or officers necessary for the good gov-
of the city, and the proper administration
ublic interest, and shall prescribe their
d terms of office, and fix their compensa-

Article V.—Judicial Department.

urt.
. The judicial power of the city shall be
a police court, to be held therein by the
ces, or one of them, to be designated by
r, but either of said city justices may
court without such designation, and it
made the duty of such city justices, in
to the duties now required of them by
old said police court.
on.
. The police court shall have exclusive
on of the following public offenses com-
the city:
t larceny;
ault or battery, not charged to have been
d upon a public officer in the discharge
duty, or with intent to kill;
aches of the peace, riots, affrays, commit-
ul injury to property, and all misdemean-
hable by fine or by imprisonment, or by
fine and imprisonment;
proceedings respecting vagrants, lewd or
persons.

Jurisdiction.

Sec. 392. Said court shall also hav
jurisdiction of all proceedings for viol
ordinance of said city, both civil a
and of an action for the collection of
required by any ordinance of said cit

Justices inhibited in certain cases.

Sec. 393. Neither of said justices
cases in which he is a party, or in wh
terested, or where he is related to eit
consanguinity or affinity within the
and in case of the sickness or inabilit
justices, either of them may call in
the peace residing in the county to act
and stead.

Powers of justices.

Sec. 394. Each of the city justices,
as judge of said court, shall also ha
hear cases for examination, and may
hold the offender to bail for trial in
court, and may try, condemn, or acq
ry his judgment into execution as the
quire, according to law, and punish pe
of contempt of court; and shall ha
issue warrants of arrests in case o
prosecution for a violation of a city
well as in case of the violation of
law of the state; also all subpoenas,
processes necessary to the full and
cise of his powers and jurisdiction; an
the cases enumerated in this section
trial by jury is not secured by the co
the state, he may proceed to judgmen
instance without a jury, but on appea
ant shall be entitled to trial by jury
ior court.

Clerk of court.

Sec. 395. The police court shall hav
be appointed by the city council, upo
nation of the mayor, who shall hold
the pleasure of the council. The cler
a record of the proceedings of and i
cess ordered by the city justices, or eit
or by said police court, and receive an
ly into the city treasury all fines imp

shall also each month render to the
uditor) an exact and detailed account,
f all fines imposed and collected, and
posed and uncollected, since his last
shall prepare bonds, justify bail, when
has been fixed by either of the city
aid court, in cases not exceeding one
lars, and may administer oaths. The
emain at the court-room of said court
ess hours, and during such reasonable
fter as may be necessary for discharg-
. Before receiving his salary, each or
he shall make and file with the audi-
avit that he has deposited with the
er all moneys that have come to his
ging to the city. Any violation of this
all be a misdemeanor. He shall give
ne sum of five thousand dollars, with
sureties to be approved by the mayor,
for the faithful discharge of the duties

of moneys.

All fines and other moneys collected
the city in the police court shall be
e city treasury on the first Tuesday of
and all bills for fees and costs due
of said court shall be reported to the
each month.

The city council shall furnish a suit-
or the holding of said court, and shall
the necessary dockets and blanks. One
be styled "The city criminal docket,"
the criminal business shall be record-
case shall be alphabetically indexed;
et shall be styled "The city civil dock-
hall contain each and every civil case
city is a party, or which is prosecut-
ded for her interest, and each case
perly indexed. A third docket shall
he other business appertaining to the
l city justice, and in all cases the
contain all such entries as are re-
aw to be made in justices' dockets;
ase tried before the court, the docket

must show what duties were perf
officer of the court, and the amou
due to the officer for such service
amount of money, if any, collected.

Court, when open.

Sec. 398. The police court shall b
except upon non-judicial days, and
purposes only as by law permitted
other courts of this state.

Appeals.

Sec. 399. Appeals may be taken
ment of said police court, to the su
the county in which such city may
the same manner in which appeals
justices' courts in like cases.

Place of imprisonment.

Sec. 400. In all cases of imprisc
sons convicted in said police court
committed in the city, the person
prisoned, or by ordinance required
be imprisoned in the city jail, or if
bor, shall labor in the city.

Seal.

Sec. 401. Said court shall have a
nished by the city.

Monthly report.

Sec. 402. The city justices sha
Tuesday of each month, make to t
a full and complete report of all
and criminal, in which the city has
which are required to be entered i
docket, or the city criminal docket;
be made upon blanks to be furnisl
council, and in such form as they

Transcripts and warrants.

Sec. 403. Certified transcripts
made by the clerk of said court, un
said court, shall be evidence in an
state of the contents of said docke
rants and other process issued out
and all acts done by said court, a
der its seal, shall have the same f
ity in any part of this state as th
done by any court of record of th

e VI.—Educational Department.

lucation.

The government of the school depart-
city shall be vested in a board of ed-
consist of seven members, to be called
tors. One school director shall be elect-
h ward at the regular municipal elec-
vote of the city at large, and shall hold
e term of four years, and until his suc-
ected and qualified; provided, that the
of education elected under the provis-
chapter shall, at their first meeting,
hemselves by lot as that three of their
ll go out of office at the expiration of
and four at the expiration of four

n.

The board of education shall meet on
onday after their election, and elect
r number president, and shall hold
least once in each month thereafter
es as shall be determined by a rule of
A majority of all the members elect-
stitute a quorum for the transaction of
t a smaller number may adjourn from
. The board may determine the rules
eedings. Its sessions shall be public,
rds shall be open to public inspection.
shall also have power to fill all vacan-
ng in the board until the next regular
lection.

oard.

The board of education shall have sole

blish and maintain public schools, and
school districts, and to fix and alter
ries thereof.

ploy and dismiss teachers, janitors,
census marshals, and to fix, alter, al-
er paid their salaries or compensation,

and to employ and pay such mechanic
ers as may be necessary to carry int
powers and duties of the board, and
for good and sufficient cause, the w
part of the salary or wages of any pe
sons employed as aforesaid.

Regulation of schools.

3. To make, establish, and enforc
sary and proper rules and regulatio
trary to law, for the government and
public schools within the city, the tea
of, and the pupils therein, and for c
effect the laws relating to education
tablish and regulate the grade of sch
termine what text-books, courses of
mode of instructions shall be used in

Supplies.

4. To provide for the school depart
city fuel and lights, water, blanks,
printing and stationery, and to incur
incidental expenses as may be deeme
by said board.

Building and repairs.

5. To build, alter, repair, rent,
school-houses, and furnish them w
school furniture, apparatus, and app
to insure any and all such school pro

To hold property in trust.

6. To receive, purchase, lease, and
in trust for the city, any and all real
to hold in trust any personal propert
have been acquired, or may hereafter
for the use and benefit of the publi
the city; provided, that no real esta
bought, sold, or exchanged, or expend
red for the construction of new s
without the consent of four members
of education and four members of the
and provided further, that the proc
such sale or exchange of real estate
clusively applied to the purchase of o
the erection of school-houses; and the
of the city is hereby authorized and
make over to said board of education,

riting by said board, through its presi-
ecretary, by good and sufficient deeds
nce, all property, both real and per-
held by said city council in trust for
r the use and benefit of the public
d the said board is hereby authorized
ll expenses attending the same.
property.
ade, fence, and improve all school lots,
t thereof to grade, sewer, plank, or pave
streets, and to construct and repair
defend.
e for any and all lots, land and prop-
ging to or claimed by the said school
, and to prosecute and defend all ac-
w or in equity necessary to recover
in the full enjoyment and possession of
nds, and property.
e money needed.
termine annually the amount of money
r the support of the public schools, and
g into effect all the provisions of law
e thereto; and in pursuance of this pro-
oard shall, on or before the first Mon-
ruary of each year, submit in writing
council a careful estimate of the whole
money to be received from the state
, and the amount required from the city
ve purposes, and the amount so found
ired from the city shall, by the city
added to the other amounts to be as-
collected for city purposes; provided,
ount to be thus assessed for school pur-
not exceed thirty cents on each one
ollars valuation upon the assessment
ay be increased to forty cents by con-
o thirds of the city council, and that
cted it shall be immediately paid into
fund, to be drawn out only upon the
e board of education.
ents.
establish regulations for the just and
ursement of all moneys belonging to
school fund.

Demands.

11. To examine and allow, in whole every demand payable out of the sch to reject any such demands for good

Incumbrances.

12. To discharge all legal incumb existing, or which may hereafter exis school property.

Age limit.

13. To prohibit any child under six from attending the public schools.

Other acts.

14. And generally to do and perfor acts as may be necessary and proper force and effect the powers confe board, and to increase the efficiency schools in said city.

Oaths on demands.

Sec. 413. The president of the b cation shall have power to administe affirmations concerning any deman treasury payable out of the school f matters relating to his official duties.

Contracts.

Sec. 414. All contracts for building en to the lowest bidder therefor offer security, to be determined by the boa public notice published for not less t in one daily paper of the city.

No director or superintendent to be a

Sec. 415. No school director or su shall be interested in any contract any manner to the school department All contracts in violation of this se clared void, and any director or su violating or aiding in violating the this section shall be deemed guilty of or, and shall be punished by fine of one hundred dollars nor more than dollars.

City board of examiners.

Sec. 416. No teacher shall be emp of the public schools without having issued under the provisions of this c

se of granting the certificates required, of education shall appoint a city board ation. The city board of examination sist of the school superintendent and persons, residents of such city, at least om shall be experienced teachers. The of the city board of examination shall r their services such compensation as ed by the board of education. Such city examination shall have power:

dopt rules and regulations not inconsist- he laws of this state for its own govern- for the examination of teachers.
ion.
xamine applicants, and to prescribe a of proficiency which will entitle the per- ned to a certificate.
s.
rant city certificates of three grades; -school certificates, valid for six years, rizing the holder to teach any primary, or high school in such city;
certificates, first grade, valid for four d authorizing the holder to teach any r grammar school in such city;
certificates, second grade, valid for two d authorizing the holder to teach any chool in such city.
out examination, to grant certificates e grade thereof to the holders of state nas, state educational diplomas, state ool diplomas, state university diplo- n recommended by the faculty of the), state certificates, city certificates other cities of this state, and life di- d state normal-school diplomas of other

evoke or suspend for immoral or unpro- onduct, profanity, intemperance, or evi- ness for teaching, any certificate grant- m.

. The school superintendent shall act ry and book-keeper of the board of edu-

cation, and perform all clerical duties
such board. In the absence of the sup
the board of education may appoint
own number to act as secretary. Th
perintendent may appoint an assistant
of one hundred dollars per month.
intendent may, for a good and suff
provisionally suspend any teacher emp
schools of such city until the next me
board of education.

Superintendent's reports.

Sec. 418. The superintendent shall
board of education annually, and at
times as they may require, all matter
to the expenditures, income and c
progress of the public schools of said
the preceding year, with such recomm
he may deem proper.

Duty of superintendent.

Sec. 419. It shall be the duty of the
ent to visit and examine each school
a month, to observe, and cause to
such general rules for the regulation
ment and instruction of the schools, n
ent with the laws of the state, as m
lished by the board of education; to at
sions of the board, and inform them
sion of the condition of the public sch
houses, school fund, and other matte
therewith, and to recommend such
he may deem necessary for the adv
education in the city. He shall acqu
with all the laws, rules, and regulat
ing the public schools in said city, and
decisions thereon, and give advice
connected with the public schools, gr
officers, teachers, pupils, and their
guardians.

Vacancy.

Sec. 420. In case of vacancy in the
perintendent, the board of educatio
power to fill the vacancy until the
municipal election.

School fund.

Sec. 421. The school fund of the ci
sist of all moneys received from the

all moneys arising from taxes which
evied annually by the city council of the
chool purposes; of all moneys arising
sale, rent, or exchange of any school
and of such other moneys as may, from
e whatever be paid into said school fund;
nd shall be kept separate and distinct
ther moneys, and shall only be used for
poses under the provisions of this chap-
t the end of any fiscal year, any sur
ins in the school fund, such surplus
ll be carried forward to the school fund
t fiscal year, and shall not be, for any
whatever, diverted or withdrawn from
, except under the provisions of this

d, how expended.

The said school fund shall be used and
said board of education for the follow-
ses, to wit:

he payment of the salaries or wages of
janitors, school-census marshals, and
sons who may be employed by said

the erection, alteration, repairs, rent,
hing of school-houses;

he purchase money or rent of any real
l property purchased or leased by said

e insurance of all property;

he discharge of all legal incumbrances
hool property;

ighting school-rooms and the offices and
he superintendent and board of educa-

upplying the schools with fuel, water,
blanks, blank-books, and necessary
liances, together with books for indi-
ren;

upplying books, printing and stationery
e of the superintendent and board of
and for the incidental expenses of the
department;

he payment of the salary of the super-
and assistant superintendent;

grading and improving all school lots,

and for grading, sewering, planking,
and repairing streets, and constructi
pairing sidewalks in front thereof.

Claims.

Sec. 423. All claims payable out of
fund shall be filed with the secretary of
and after they shall have been approve
jority of all the members elect of said b
a call of the ayes and noes, which shall
ed, they shall be signed by the presid
board and by the superintendent, and
the city treasurer. Every demand sha
dorsed upon it a certificate of its app
demands for salaries shall be paid mo

Debt not to be in excess of income.

Sec. 424. All demands authorized by
shall be paid by the city treasurer from
fund, when the same shall be present
ordered paid, and approved by the board
that the said board shall not have po
tract any debt or liabilities, in any fo
ever, against the said city, in contraven
article, or exceeding in any year the
revenue provided for the school fun
year.

Auditor to certify.

Sec. 425. It shall be the duty of the
the county in which any such city m
ated, upon the first Monday in each mo
such other times as he may deem pro
tify in duplicate to the superintendent o
such county, the amount of school mon
time in the county treasury, and the
ceived during the previous month. The
perintendent shall, upon receipt of s
cates, indorse upon one of them the
such moneys to which the common sch
city are entitled. The certificate so ind
at once be returned to said auditor, wh
rect upon the same the county treasu
the sum designated upon such certifi
treasury of such city for the use of the
thereof.

Treasurer to pay.

Sec. 426. The treasurer of such c
thereupon pay to the treasurer of suc

cted by the auditor as above provided; n said moneys are placed in such city nd, they shall be used in precisely the nner as moneys raised by city school such city; provided, that the entire reve- ved by such city from the state school d the state school tax, shall be applied oard of education exclusively to the sup- rimary and grammar schools.

CHAPTER IV.

ipal Corporations of the Third Class.

r for cities having a population of more an 15,000 and not exceeding 30,000.)

Article I.—General Powers.

ss.

0. Every municipal corporation of the s shall be entitled the city of —— (nam- nd by such name shall have perpetual n, may sue and be sued in all courts and nd all proceedings whatever; shall have a common seal, alterable at the pleasure ty authorities, and may purchase, lease, nold, and enjoy real and personal prop- control and dispose of the same for the benefit.

.—General Provisions Relating to Officers.

ers.

1. The government of such city shall be a mayor; a common council, to consist aldermen; a board of education, to con- even school directors; a police judge; an a clerk, who shall be ex officio auditor; er; a superintendent of streets; a tax and ollector; a water-rate collector; a city at- nd such other and inferior officers as the council may appoint.

Election and tenure.

Sec. 502. The aldermen, mayor, po
city attorney, and assessor shall be ele
qualified electors of such city, at a ge
cipal election to be held therein on
Tuesday in March, in each even-numb
The mayor, police judge, city attorne
sessor shall hold office for the period of
from and after the Monday next succ
day of such election, and until their suc
elected and qualified. The members o
mon council and board of education sh
fice for the period of four years from an
Monday next succeeding the day of su
and until their successors are elected
fied; provided, that the first common co
ed under the provisions of this chapte
their first meeting, so classify themse
as that three of their number shall go o
at the expiration of two years, an
the expiration of four years; and pro
ther, that the first board of education
der the provisions of this chapter sha
first meeting, so classify themselves by
three of their number shall go out of o
expiration of two years, and four at
tion of four years.

Other officers appointed.

Sec. 503. All other officers, except, a
in this chapter provided, shall be ap
the common council, upon the nomina
mayor, and shall hold office for the pe
years from and after the date of su
ment, and until their successors are
elected, and qualified.

Bonds.

Sec. 504. The common council sha
nance, determine what officers shall
for the faithful performance of their
fix the amount of such bond; and each
cers shall, before entering upon the d
office, execute a bond to such city in
sum as the common council by ordinan
termine, conditioned for the faithful p
of his duties, including in the same bo

offices of which he is made by this chap-
cio incumbent. Such bond shall be ap-
the common council. All bonds, when
shall be filed with the clerk, except the
e clerk, if any, which shall be filed with
. All the provisions of any law of this
ing to the official bonds of officers shall
such bonds except as herein otherwise
Every officer of such city, before enter-
the duties of his office, shall take and
he clerk the constitutional oath of office.

. Any vacancy occurring in any of the
vided for in this chapter, except in the
chool director, shall be filled by appoint-
he common council upon the nomination
yor, but if such office be elective, such
shall hold office only until the next
ection, at which time a person shall be
serve for the remainder of such unex-
.
tion.

. The aldermen and school directors
ve no compensation whatever. The an-
ies of other officers shall be as follows:
e thousand two hundred dollars; police
e thousand eight hundred dollars; as-
e thousand eight hundred dollars; city
one thousand five hundred dollars;
erintendent, one thousand two hundred
erk and auditor, one thousand five hun-
rs; tax and license collector, one thous-
undred dollars; treasurer, one thousand
ater-rate collector, one thousand two
ollars; school superintendent, one thous-
undred dollars; all of which salaries
aid monthly.

. All elections in such city shall be
cordance with the general election law
te, so far as the same may be made ap-
and no person shall be entitled to vote
ection unless he shall be a qualified elec-
county, enrolled upon the great register
nd shall have resided in such city for

Light and water ordinances.

Sec. 523. No ordinance, and no reso
der for the payment of money, for g
franchise, for lighting or watering st
supplying water for municipal purpos
passed by the common council on th
introduction, nor within five days the
at any other than a regular meeting;
nance, and no such resolution or orde
any validity or effect unless passed b
of at least four aldermen and appro
mayor; provided, that if the mayor s
or refuse to approve the same withi
then the same may be passed by the
aldermen, and shall then take effect a
ed by the mayor.

Powers of council.

Sec. 524. The common council of su
have power:

Ordinances.

1. To pass ordinances not in confl
constitution and laws of this state
United States.

Real estate.

2. To purchase, lease, or receive s
tate and personal property as may b
or proper for municipal purposes, an
dispose of, and convey the same for t
the city; provided, that they shall not
to sell or convey any portion of any w

Water supply.

3. To acquire, construct, repair, a
pumps, aqueducts, reservoirs, and o
necessary or proper for supplying th
water.

Streets.

4. To establish, lay out, alter, open
improve, and repair streets, sidew
bridges, squares, and other public hi
places within the city, and to drain, s
light the same; to remove all obstru
from; to establish the grades thereo
pave, macadamize, gravel, and curb
whole or in part, and to construct
verts, sidewalks, and cross-walks the

hereof; to cause to be planted, set out, ted, shade trees therein; and generally d control all such highways and places.

nstruct and maintain drains and sew-

ment of fires.
ovide fire-engines and all other neces- oper apparatus for the prevention and nent of fire, and to construct and main- aph and telephone lines for fire and po- es.

npose on and collect from every male between the ages of twenty-one and an annual street poll-tax not exceeding ; and no other road poll-tax shall be col- in the limits of such city.

pose and collect an annual tax, not ex- o dollars, on every dog owned or har- in the limits of the city; and no other ll be collected within the limits of such

ax.
vy and collect annually a property tax, ng one dollar on each one hundred dol- assessed value of all real and personal ithin such city, which said tax shall be l as follows: For the general fund, not ifty cents on each one hundred dollars; d fund, not exceeding twenty-five cents ne hundred dollars; and for the school xceeding twenty-five cents on each one llars; each of which funds shall be kept om all others.

icense, for purposes of regulation and l and every kind of business authorized d transacted or carried on in such city, ws, exhibitions, and lawful games car- rein; to fix the rates of license tax upon and to provide for the collection of the ilt or otherwise.

Rivers.

11. To improve the rivers and strea through such city, or adjoining the san en, straighten, and deepen the channe and remove obstructions therefrom; t the water-front of the city; to construct tain embankments and other works to p city from overflow; and to bridge an river so as not to interfere with navig

Public buildings.

12. To erect and maintain buildings pal purposes.

Tracks and pipes.

13. To permit, under restrictions as deem proper, the laying of railroad trac running of cars drawn by horses, stea motive power thereon, and the laying water pipes in the public streets, and th tion and maintenance of telegraph and lines therein.

Ward division.

14. To divide the city, by ordinance, wards as nearly equal in population as fix the boundaries thereof, and to chang from time to time; provided, that no ch boundaries of any ward shall be made w days next before the date of said gene pal election, nor within twenty month same shall have been established or al

Fire department.

15. To establish and regulate a fire and a police department, to appoint a the officers and employees thereof, and t their duties and fix and order paid th and compensation.

Subordinate officers.

16. To appoint and remove such subo ficers as they may deem proper, and t duties and compensation.

Imposition of penalties.

17. To impose fines, penalties, and for any and all violations of ordinances; a breach or violation of any ordinance, to alty by fine or imprisonment, or both; b

xceed five hundred dollars, nor the term
prisonment exceed six months.

or.

ause all persons imprisoned for violation
linance to labor on the streets or other
perty or works within the city.

.

do and perform any and all other acts
s necessary or proper to carry out the
of this chapter.

clause.

The enacting clause of all ordinances
as follows: "The mayor and common
the city of —— do ordain as follows."
inance shall be signed by the mayor, at-
the clerk, and published at least five
newspaper published in such city.

ouncil to audit.

All demands against such city, except
purposes, shall be presented to and au-
he common council, in accordance with
lations as they may by ordinance pre-
d upon the allowance of any such de-
mayor shall draw a warrant upon the
for the same, which warrant shall be
ned by the clerk, and shall specify for
ose the same is drawn, and out of what
to be paid.

excess of available money.

The common council shall not create,
w, or permit to accrue any debt or liabil-
ss of the available money in the treas-
ay be legally apportioned and appropri-
uch purposes; provided, that any city,
first year of its existence under this act,
such indebtedness or liability as may
ry, not exceeding in all the income and
rovided for it for such year; nor shall
nt be drawn, or evidence of indebted-
sued, unless there be at the time suffi-
ey in the treasury legally applicable to
ent of the same, except as hereinafter

Indebtedness in excess to be decided b

Sec. 528. If, at any time, the com
shall deem it necessary to incur any
in excess of the money in the treasu
to the purpose for which such indeb
be incurred, they shall give notice of a
tion by the qualified electors of the ci
to determine whether such indebtedn
incurred. Such notice shall specify th
indebtedness proposed to be incurred,
or purposes of the same, and the amo
necessary to be raised annually by ta
interest and sinking fund, as hereinaf
Such notice shall be published for a
weeks in some newspaper published
and no other question or matter shall
to the electors at such election. If, up
of the votes cast at such election, it ap
less than two-thirds of all the qual
voting at such election shall have vo
of incurring such indebtedness, it sha
of the common council to pass an or
viding for the mode of creating such
and of paying the same; and in ea
provision shall be made for the levy a
of an annual tax upon all the real
property subject to taxation within s
cient to pay the interest on such ind
it falls due; and also to constitute a
for the payment of the principal ther
period of not more than twenty ye
time of contracting the same. It sha
of the common council in each year
the time at which other taxes are lev
tax sufficient for such purpose, in ac
taxes by this chapter authorized to be
tax, when collected, shall be kept in
as a separate fund, to be inviolably
to the payment of the principal an
such indebtedness.

Violation of ordinances.

Sec. 529. The violation of any ordi
city shall be deemed a misdemeanor
prosecuted by the authorities of suc
name of the people of the state of

edressed by civil action, at the option of
orities. Any person sentenced to imprisor the violation of an ordinance may be
d in the city jail; or, if the common counlinance shall so prescribe, in the county
e county in which such city may be situwhich case the expense of such imprisonl be a charge in favor of such county and
ich city.

. Every act or thing done or being withits of such city, which is or may be delaw or by any ordinance of such city to
ance, shall be and is hereby declared to
nce, and shall be considered and treated
n all actions and proceedings whatever;
medies which are or may be given by law
revention and abatement of nuisances
y thereto.

' street work.

. The common council are authorized
wered to provide, by ordinance, a system
any or all work in or upon the streets,
and public places of such city, and for
herein street improvements and repairs,
oing any or all work authorized by subfour and five of section five hundred and
ur of this act, and for the payment of
nd expenses thereof, either by the levy
tion of special assessments therefor, in
to benefits, upon the property to be benreby, or by payments made out of the
of such city, or by both; provided, that
es where more than one-half of the exany such improvement, except the conof a sewer or drain, exceeding in amount
of one thousand dollars, is to be despecial assessment, the common counfirst adopt a resolution, which shall
d upon their journal, declaring their
to make such improvement, and fixne at which objections to the maksuch improvement will be considered.
olution shall also designate the bounthe district to be affected or bene-

fited by such improvement. Upon ado
resolution, the common council shall
of such intention, which notice shal
lished for twenty days in a newspaper
published in such city. Such notice sh
the improvement so proposed to be mad
the estimated cost thereof, and designa
set for such hearing, and shall refer to
lution so entered upon the journal fo
scription of boundaries. If, at or befo
so fixed, written objections to such im
signed by the owners of two-thirds in v
property so to be affected or benefited
by the last preceding city assessment
filed with the clerk, the common coun
deemed to have acquired jurisdiction t
making of such improvement. Any s
assessment made and levied to defray t
expenses of any such work, together wi
centage imposed for delinquency and t
collection, shall constitute a lien upon
the property upon which such assessm
and levied, from and after the date o
for such assessment; which lien may
by a summary sale of such property, a
cution and delivery of all necessary
and deeds therefor, under such regulati
be prescribed by ordinance, or by an ac
court of competent jurisdiction to for
lien; provided, that any property sold
any such lien shall be subject to redem
in the time and in the manner provid
may hereafter be provided by law for
tion of property sold for taxes.

Right of way.

Sec. 532. The common council are
and empowered to provide by ordinanc
tablishing, laying out, extending, an
streets and other public highways and
in the city, and for taking private pro
for, and for taking private property f
pose of rights of way for drains, sewe
ducts, and for the purpose of wid
straightening the channels of streams,
provement of water-fronts; but no p

ht of way over or through the same shall
vithout the consent of the owner there-
just compensation for the same shall be
l and paid to such owner, or into court
e. If the owner of any parcel of land
o be taken for any such improvement
ssatisfied with the amount of compensa-
ed by said council for the taking of such
may, within twenty days after the date
vard, commence an action against such
y court of competent jurisdiction within
township, or county, to recover such
compensation as he may consider him-
ed to. The amount of compensation as-
and awarded in such action shall be
d taken to be the amount of compensa-
ich such person will be entitled if such
ent be made. If such person fail to re-
ach action a greater amount of compen-
n was so awarded by said council, he
recover costs but shall pay costs
city. Any owner of or person inter-
any such parcel of land, who shall
mmence such action within the time
ited, shall be deemed to have waiv-
nt in that behalf, and to have assented
tified the award of said council. The
ouncil shall not acquire jurisdiction to
ny of the powers hereinbefore in this
umerated, until a petition in writing
first presented to said council, signed
twenty inhabitants of said city, taxable
municipal purposes. Such petition must
enerally the street, highway, or public
osed to be laid out or established, or the
lteration by widening or extending the
y widening or straightening the channels
, or by the improvement of water-fronts;
ht of way is sought for drains, sewers,
cts, such petition shall describe the pro-
te for the same. Such petition shall be
a regular meeting of the council, notice
earing being given by the clerk by publi-
newspaper published in such city, for at
three weeks before hearing. Such notice

shall be deemed to give said council f
tion over the subject-matter, and over
of every owner of or person interested
cel of land to be taken or assessed fo
improvement; and every person inter
and after the expiration of such publi
be deemed to have notice of all subs
ceedings; provided, that nothing herei
shall be construed to prevent such c
giving such other or further notice a
deem proper. At the time fixed in suc
at such time to which such hearing m
poned, the council shall proceed to hea
mine the prayer of such petition pursu
rules and regulations as may be prescri
ordinance. Such system, so establish
nance, may provide for the payment o
pensation, either by the levy and colle
cial assessments therefor, in proportion
upon the property to be affected or b
any such improvement, or by paymen
of the street fund, or river and wat
provement fund of such city, or by both
special assessment made and levied
means for the payment of any such co
and the cost of ascertaining the sam
with any percentage imposed for delin
the costs of collection, shall constitute
and against the property upon which
ment is made and levied, from and af
of the order for such assessment; whi
be enforced by a summary sale of suc
and the execution and delivery of a
certificates and deeds therefor, under
tions as may be prescribed by ordinan
action in any court of competent jur
foreclose such lien; provided, that a
sold to satisfy any such lien shall be
redemption within the time and in
provided or that may hereafter be prov
for the redemption of property sold fo

Taxes and tax sales.

Sec. 533. The common council shall
and it shall be their duty, to provide b
for the assessment, levy, and collection

h shall conform, as nearly as the cir-
of the case may permit, to the provi-
e laws of this state in reference to the
levy, and collection of state and county
ot as to the times for such assessment,
ollection, and except as to the officers
uch duties are to be performed. All
sed, together with any percentage im-
elinquency and the costs of collection,
tute liens on the property assessed from
ne first Monday in March in each year;
may be enforced by a summary sale
perty, and the execution and delivery
ssary certificates and deeds therefor,
regulations as may be prescribed by
r by actions in any court of competent
to foreclose such liens; provided, that
y sold for such taxes shall be subject
on within the time and in the manner
that may hereafter be provided by law
emption of property sold for state or
es. All deeds made upon any sale of
r taxes or special assessments under
ns of this chapter shall have the same
fect in evidence as is or may hereafter
l by law for deeds for property sold
ment of state or county taxes.

erning indebtedness to continue in

No money shall be expended or drawn
treet fund for any but street and sewer
nd no money shall be expended or
of the school fund for any but school
Whenever any city organizing under
s a bonded indebtedness contracted or
r any law of this state, all the provi-
h laws in regard to the levying, collec-
sposition of taxes and revenues for the
such indebtedness and the interest
ll continue in force, and the taxes lev-
enues raised for the payment of the in-
principal of such indebtedness shall be
to the taxes provided by section five
l twenty-four of this act, and the com-
of said city, organizing under this act,

is hereby authorized and empowere
collect such taxes and apportion such
the payment of such indebtedness a
addition to the limit of taxation her
scribed in this act; and nothing in
shall be construed to prevent any ci
ing and collecting the tax authorized
titled, "An act to establish free public
reading-rooms," approved April twen
teen hundred and eighty, in addition
herein authorized to be levied and
moneys received from licenses, an
penalties and forfeitures, shall be
general fund.

River improvement.

Sec. 535. The common council m
and cause to be collected, in each
tion to the taxes herein authorized
and collected, a tax, not exceeding
on each one hundred dollars of the
of all real and personal property wi
subject to taxation, the proceeds of w
be known as the "river and water-f
ment fund," and shall be applied to
ment of streams, bays, and waterfr
tion of embankments, and other wo
the city from overflow, and the c
works of drainage, and for no other p
ever.

Public work to be done by contract.

Sec. 536. In the erection, improve
pair of all public buildings and work
and sewer work, and in all work
streams, bays, or water-fronts, or in
bankments or other works for prot
overflow, or in furnishing any supp
rials for the same, when the expendi
for the same exceeds the sum of five
lars, the same shall be done by contr
be let to the lowest responsible bid
notice, under such regulations as ma
ed by ordinance; provided, that the
cil, or board of education, may rejec
sented, and readvertise, in their discre
vided further, that in case of any gre

mity or emergency the common council, olution, unanimously adopted and approv- mayor, may dispense with the foregoing s of this section, the reason for such ac- entered on their minutes. The common hall, annually, at a stated time, contract all city printing and advertising, which shall be let to the lowest bidder, after no- provided in this section. All advertising done in a newspaper printed and pub- such city, and the contract therefor shall ded separately from all other printing.

rticle IV.—Executive Department.

. The mayor shall be at the head of the department of the city. It shall be his e vigilant and active in causing the laws ances of the city to be duly executed and to have the general supervision of the partment; to receive and examine into all ts preferred against any officer, and to e same to the common council; to admin- certify oaths and affirmations in any atters and proceedings pertaining to the preside at all meetings of the common nd to perform such other duties as are or rescribed by law or ordinance.

1. It shall be the duty of the clerk to ue and correct record of all the proceed- e common council, and to countersign all ; to keep accounts current with every of- ged with the receipt or disbursement of keep the seal of the city and affix the ll instruments requiring such seal; to per- duties required of him by the next sec- eport to the common council on the first of each and every month a full and de- tement of the receipts and disbursements easury during the preceding month, and of each particular fund, which statement

shall be verified by his oath; to ad
certify oaths and affirmations; to perf
ties in and about the assessment, levy
tion of taxes and assessments as may
by law or ordinance; to appoint dep
perform such other and further duties
mon council may by ordinance presc

Treasurer.

Sec. 552. It shall be the duty of
to receive, upon the order of the clerk
due or belonging to the city, for wh
give his receipt, which receipt shall
the clerk by the person making such p
the clerk shall give to such persons
therefor, which receipt shall be the o
of payment. He shall pay all warran
authority of and in accordance with la
perform such duties in the collection
assessments as are or may be prescr
or ordinance. He shall, on the first
each and every month, present to
council a full and detailed statem
amount of money belonging to the
by him, and by him disbursed during
ing month, and the state of each par
which statement shall be verified by
may appoint deputies by and with th
the common council, and shall perfor
duties as are or may be prescribed by
nance.

Compensation, how fixed.

Sec. 553. The common council sh
nances not inconsistent with the provi
chapter, prescribe the duties of all offi
their compensation.

Article V.—Judicial Departm

Police and justices' courts.

Sec. 560. The judicial power of the
vested in a police court, to be held b
judge of such city. Said police cour
jurisdiction, concurrently with the jus

iminal actions and proceedings arising
he corporate limits of such city, and
ght be tried in such justices' courts; and
e exclusive jurisdiction of all actions for
ery of any fine, penalty, or forfeiture pre-
or the breach of any ordinance of such
ll actions founded upon any obligation or
reated by any ordinance, and of all prose-
or any violation of any ordinance. The
practice and mode of proceeding in said
urt shall be the same as are or may be
d by law for justices' courts in like cases;
eals may be taken to the superior court
unty in which such city may be situated
judgments of said police court, in like
nd with like effect as in cases of appeals
tices' courts. Said court shall be a court

dge.

1. The police judge shall be judge of the
urt, and shall have the powers and per-
dutes of a magistrate. He may adminis-
certify oaths and affirmations, and take
fy acknowledgments.

qualified.

2. In all cases in which the police judge
, or in which he is interested, or when he
to either party by consanguinity or affin-
n the third degree, or is otherwise dis-
or in case of his sickness or inability to
nayor may call in a justice of the peace
n the city to act in the place and stead
lice judge; or if there be no justice of the
iding in the city, or if all those so resid-
ikewise disqualified, then he may call in
ice of the peace residing in the county
such city may be situated.

court.

3. The common council shall appoint, up-
omination of the mayor, a clerk for said
urt. Said clerk shall keep the records of
t and the seal thereof, and perform such
ies as may be required of him by law or
e. He shall receive a salary of one hun-
lars per month. The council shall also
seal for said police court.

Article VI.—School Departm

Board of education.

Sec. 570. From and after the or
each of such cities, the same shall cor
arate school district, which shall be
the board of education of such city.

Vacancies.

Sec. 571. In case a vacancy shall
office of school director, the board
shall choose a person to fill such v
shall serve until the next election,
term does not then expire, a person
ed to serve for the remainder of su
term.

Meetings.

Sec. 572. The board of education
the second Tuesday after such gene
election, and choose one of its mem
dent, and another as vice-president
meetings shall thereafter be held as
in each month, and the time and pla
such meetings shall be fixed by a
board. Special meetings of said b
held when called by written notice,
president, or three of its members,
personally to each of its members
have signed the same. Four membe
stitute a quorum, and no business s
acted by said board of education wi
currence of four of its members; b
of the members present at any mee
journ from time to time. All mee
board of education shall be public, an
of its proceedings shall be kept by t
erintendent, who shall be ex officio
board of education.

Powers of board.

Sec. 573. The board of educatio
power:

To maintain schools.

1. To establish and maintain publi
to subdivide the school districts, and
ter the boundaries of such subdivisio

ndent.
ppoint a school superintendent, who shall
e during their pleasure, and to prescribe
, and fix his compensation.
s.
employ and dismiss teachers, janitors,
cers, and school-census marshals, and to
allow, and order paid their salaries or
tion; and to employ and pay such me-
nd laborers as may be necessary to carry
the powers hereby conferred.
n of schools.
nake, establish, and enforce all necessary
rules and regulations, not in conflict with
of this state, for the government and
ent of public schools within such city,
ers thereof, and the pupils therein, and
ng into effect the laws relating to educa-

rovide for the school department of such
and lights, water, printing, and station
to incur such other incidental expenses
e deemed necessary by said board.
and repairs.
build, alter, repair, rent, and provide
ises, and to furnish the same with proper
rniture, apparatus, and appliances, and
any and all school property.
te.
urchase, receive, lease, and hold in fee,
or such city, any and all real estate and
property that may have been acquired,
reafter be acquired, for the use and ben-
e schools of such city; provided, that no
e shall be bought, sold, or exchanged, nor
nditure incurred for the construction of
ol-houses, without the approval of the
council; and provided further, that the
of any such sale or exchange of real es-
be exclusively applied to school pur-

nent.
grade, fence, and improve all school lots.

To determine moneys needed.

9. To determine annually the amou
required for the support of the public
for carrying into effect all the provi
in reference thereto; and in pursuanc
vision, the board of education shall,
days before the meeting of the com
at which the annual city taxes are le
in writing to the common council a
mate of the whole amount of money t
from the state and county, and of th
be required from such city for the
tioned purpose; and the amount so fo
quired from the city shall, by the com
be added to the other amounts to be
collected for city purposes, and when
proceeds thereof shall be immediately
school fund of such city, to be dra
upon the order of the board of educati
that such annual tax shall not exceed
cents on each one hundred dollars of
valuation of the real and personal pro
such city.

Disbursement regulations.

10. To establish regulations for t
equal disbursement of all moneys belo
school fund.

Incumbrances.

11. To discharge all legal incumbra
at the time of the incorporation of
thereafter, on any school property with

Admission of non-residents.

12. To admit non-resident children,
over twenty-one years of age, to an
partments of the schools of such ci
payment, monthly, in advance, to the
such city, for the school fund, of suc
as said board may establish.

Age limit.

13. To prohibit any children under
age from attending the public school

Grades and text-books.

14. To establish and regulate th
schools in such city, and the course o
the mode of instruction to be purs
and to determine what text-books sha

s.
do and perform, in addition to the fore-
wers, such other acts as may be neces-
proper to carry into effect the powers
nferred.

y sue.
. The board of education may sue and
y their name of office. In any action or
roceeding against said board, service of
pon the president, or upon a majority of
bers of the board, shall be sufficient to
court jurisdiction to hear and determine

easurer to pay over.
. All moneys received by the treasurer
nty wherein such city may be situated,
t of the school fund of such city, or the
trict consisting of the same, and all sums
nto the county treasury, which may be
ed to said city or district, shall be paid
asurer of such city by the treasurer of
ty, as soon as received, or as soon as the
ment shall be made, when apportionment
ry.

f president.
. The president of the board of educa-
have power to administer oaths and af-
concerning any demand upon the treas-
ble out of the school fund, and in all
ters relating to the duties of the board of
and to witnesses examined in any in-
n had by such board of education, or by
ee thereof, duly appointed by it for that

. Said president may issue subpoenas
hand and the seal of such city, attested
y clerk, to compel the attendance of wit-
fore such board of education, or commit-
f, who shall be entitled to the same fees
es in civil cases, and who may be pun-
contempt for non-attendance, or refusal
rn, or to answer, by the superior court
nty in which such city may be situated.

Claims.

Sec. 578. Every claim payable out
fund shall be filed with the clerk of
education, and after it shall have b
by the board, a certificate of such a
be indorsed thereon, signed by the
clerk; and a warrant upon the scho
be issued thereon for the payment o
which warrant shall be signed by
of such board, and countersigned by
shall specify for what purpose the sa

Entire revenue for schools.

Sec. 579. The entire revenue der
city from the state school fund a
school tax shall be applied by sa
education exclusively to the suppor
and grammar schools.

Article VII.—Miscellaneous Pro

Moneys collected.

Sec. 590. Every officer collecting
any moneys belonging to or for the
city shall settle for the same with th
first Monday in each month, and imm
the same into the treasury, on the
clerk, for the benefit of the funds t
moneys respectively belong.

No officer to be interested in contrac

Sec. 591. No officer of such city s
ested, directly or indirectly, in any
such city, or with any of the office
their official capacity, or in doing any
nishing any supplies for the use of su
officers in their official capacity; and
compensation for work done, or supp
rials furnished, in which any such o
ested, shall be void, and if audited
shall not be paid by the treasurer.
violation of the provisions of this se
a ground for removal from office,
deemed a misdemeanor, and punishe

CHAPTER V.

icipal Corporations of the Fourth Class.

for cities having a population of more n 10,000 and not exceeding 15,000.)

Article I.—General Powers.

lass.

0. Every municipal corporation of the ass shall be entitled the city of — (naming y such name shall have perpetual succes- y sue and be sued in all courts and places, ll proceedings whatever, and shall have a common seal, and the same alter at ; may purchase, receive, have, take, hold, e, and enjoy property of every name or on, and control and dispose of the same common benefit.

I.—General Provisions Relating to Officers.

1. The officers of such city shall consist yor, twelve councilmen, a collector, who be street commissioner, an assessor, treas- y clerk, police judge, city attorney, chief superintendent of public schools, and two ustees for each ward; and whenever a free ibrary and reading-room is established ive trustees thereof; and the council may ide for the election, by the voters of said y said council, of a superintendent of irri- The city council may also elect a city sur- rbor-master, pound-keeper, and city jail- whenever a paid fire department shall be ed in such city, a chief engineer, and one assistant engineers, and any other officer

necessary to carry out the provisions
ter, and for whose election or ap
provision is made, and may by o
scribe the duties of all city officers,
compensation, subject to the limit
contained.

Election under this act.

Sec. 602. On the first Tuesday a
Monday of November of each odd-nu
a municipal election shall be held,
qualified voters of such city shall ele
trustee for each ward, and six coun
voted for by the wards they may res
resent, and each to hold office for the
years, and until the qualification of
and also a mayor, an assessor, a
street commissioner, city attorney,
chief of police, and superintende
schools, who shall each hold office f
and until the qualification of a succes
that at the first election held after
tion of such city under this act su
elect two school trustees for eac
twelve councilmen, who shall, at the
of the city council and board of educ
tively, decide by lot their terms of
said councilmen and one-half of th
school trustees to hold for the term
and the others for the term of two
each case until the qualification of
sors.

Provisions concerning elections.

Sec. 603. The city council shall cal
tions, designate the time and place o
same, giving at least ten days' notice
shall appoint one inspector or cle
judges of election, for each ward or
cinct in such city, who shall appoin
and all shall take the oath of office
law for inspectors, judges, and clerks
county elections. All provisions of
ing elections for state and county offi
flicting herewith, shall apply to el
this chapter. The polls for all city elec
open at eight o'clock A. M., and cont

clock P. M., the same day. If any officer
ated shall fail to attend, those attending,
electors assembled, shall fill their places
s from the qualified electors present. All
of city elections shall be made out and
y the officers of such election in the usual
nd deposited with the city clerk within
s after the election. The persons having
ality of the votes cast for each of the re-
offices voted for shall be declared elected.
n shall vote at any city election unless he
an elector for state and county officers,
ll have actually resided within such city,
the precinct where he may offer to vote,
ays preceding such election; provided, that
tor who may remove from one precinct to
within thirty days prior to such election
a qualified voter therein at the time of re-
vote in the precinct from which he may
oved. If any person not having the legal
ations of an elector at any city election
audulently vote, or attempt to vote, or
gly hand in two or more ballots folded to-
or shall vote, or attempt to vote, more than
the same election, such person or persons,
ction thereof, shall be fined in any sum not
n twenty nor more than five hundred dol-
be imprisoned in the county jail for any
ot more than three months, or may be pun-
y both such fine and imprisonment.

uncil to canvass vote.

04. On the Monday following the election,
council shall convene and publicly canvass
ult, and shall issue certificates of election
a person elected by a plurality of votes.
two or more persons have received an equal
ghest number of votes for any one of the
voted for, the city council shall thereafter,
rst regular meeting, decide by vote between
rties which shall be elected. If the city
l from any cause fail to meet on the day
, the mayor shall call a special meeting of
ouncil within five days thereafter, and in ad-
to the notice provided for calling special

meetings, shall publish the same
sive days in some newspaper pub
city. If the mayor fail to call said
said five days, any four councilme
At such special meeting all elect
ments, or other business may be t
could have been on the day first he

Office, when vacant.

Sec. 605. Each officer of such
the oath of office, and such as may
give bond, file the same, duly appro
days after receiving notice of his
pointment, or if no notice be receiv
before the date fixed for the assump
the duties of the office to which he
elected or appointed; but if any one
or appointed to office, fail for ten
as required by law or to enter upo
the time fixed by law or the orde
council, then such office shall becom
any such officer shall absent himself
continuously for ten days without
the city council, or shall openly negl
discharge his duties, such office may
council declared vacant; provided, t
for absence from the city shall not
officers as serve without salary or
sation. Such officers as are elected
of the city shall enter upon their
first Monday of January next succe
of their election; such officers as ar
elected by the city council shall en
duties within ten days after recei
their appointment or election.

Unexpired term.

Sec. 606. When any vacancy occu
tive office, except the mayor, the ci
fill the same for the unexpired te
case of city councilmen, or school t
shall be filled until the next city ele
the qualification of a successor. T
may, upon written charges to be
their journal, after notice to the pa
trial, by a vote of two-thirds of al
elect, remove any officer.

onds.

It shall be the duty of the city council for the accountability of the city asses- urer, clerk, police judge, collector, and mmissioner, city attorney, and all other ein provided for, by requiring from them security for the faithful performance uties or trusts, which security shall be them before entering on their respective such security should be or become in- additional security may be required, and n within ten days, the council, by a vote rds of the members, may declare the of- t. and may thereafter fill the same.

tion.

. The mayor, councilmen, and school hall not receive any salary or compen- their services; provided, that members y council, or a committee thereof for ose appointed, may receive for their ser- ile acting as a board of equalization, a e determined by the council, not to ex- each one five dollars per day, for each actually so engaged, for two weeks in , and no longer.

nmissioner.

. The collector and street commissioner ive a salary, to be fixed by the city coun- shall not exceed the sum of fifteen hun- rs per annum.

onal compensation.

. The city council shall have no power any extra or additional compensation to his chapter expressly authorized to any r the rendition of services that the city ave power to require the officer to per- virtue of his office.

vision.

. In case any such city shall, at the time anization under this act, be divided into ch divisions shall continue, but the city ay, at any time not within three months to an annual city election, change the es of such wards, or divide it into others, ding six in number; provided, that such

change shall not affect the term of
councilman or school trustee, but th
out their term for the ward in wh
dence may be; but if more reside w
ward than the proportion to which
those of the shortest unexpired term
council, be assigned for such unexpi
ward where there is a vacancy. Th
tion of each ward in the city counc
near as may be in proportion to i
but each ward shall have two scho

Article III.—Legislative Depar

City council.

Sec. 620. The mayor and council
several wards shall constitute the
and at its first meeting in January
city election shall elect a city clerk,
and one of their own body as preside
council, and at any time when th
president are both absent, may elec
pro tem., who shall act during
They shall also, at such time, desig
ber of policemen for such city, to
hereinafter provided.

Meetings.

Sec. 621. A majority of the cou
shall constitute a quorum for the
business. A less number may adjou
to time, and they may compel the
absent members. The council may
members for disorderly conduct, and
charges to be entered on their jou
conduct, after trial, may expel a mem
of two thirds of all the members
mayor shall have a vote only in ca
the votes of the other members. T
termine their rules of proceeding ar
cation of members. The sittings o
shall be open to the public, except
terests of the city shall require secre
of all their proceedings shall be kep

ir direction. At any time, at the request
ro members, the ayes and noes on any
shall be taken and entered upon the

f council.
. The city council shall have power and
to make and pass all by-laws, ordi-
rders, and resolutions not repugnant to
itution of the United States or of the
California, or the provisions of this
ecessary for the municipal government
anagement of the affairs of the city, for
tion of the powers vested in said body
and for carrying into effect the provi-
his chapter; to fix and collect a license
d to regulate theaters, melodeons, balls,
dances, and all theatrical, melodeon, cir-
her performances, and all performances
admission fee is charged, or which may
n any house or place where wines or
re sold to the participators; also all
lliard-tables, bowling-alleys, exhibitions,
nents; to fix and collect a license tax on
egulate all taverns, hotels, restaurants,
ar-rooms, banks, brokers, manufactories,
ble keepers, express companies, and per-
ged in transmitting letters or packages,
stage, and steamboat companies or own-
e principal place of business is in such
who shall have an agency therein; to li-
d regulate auctioneers; to license, regu-
prohibit, or suppress all tippling-houses,
ps, saloons, bars, bar-rooms, raffles,
peddlers, pawn-brokers, refreshment or
nds, booths, or sheds; to prohibit or sup-
to license and regulate, all dance-houses,
-houses, cock-fights, dog-fights, or any
n or show of any animal or animals; to
nd tax hackney-coaches, cabs, omnibuses,
arket-wagons, and all other vehicles used
and to regulate their stands, and to fix
s to be charged for the transportation of
baggage, and property; and to license or
runners for steamboats, railroads, tav-
hotels; and to fix and collect a license tax

upon all occupations and trades, and al
kind of business authorized by law, no
specified: and provided, that in the
selling intoxicating drinks, wines, ales,
in less quantities than one quart, or t
on the premises where sold, and on
business, trade, or calling not provide
be licensed for state and county pu
amount of license shall be fixed at th
of the city council, as they may deem t
and good order of the city may requ
prevent and restrain any riot or riot
blage, disturbance of the peace, or dis
duct, in any place, house, or street in
prevent, remove, and abate nuisances
pense of the parties creating, causing,
ting, or maintaining the same; to esta
tain, and regulate a common pound
and to appoint a pound-keeper, who s
out of the fines and fees imposed and
the owners of any animals impounded
no other source; to prevent and regula
ning at large of any and all domes
within the city limits, or any parts the
regulate or prevent the keeping of su
within any part of the city; to contro
late slaughter-houses, wash-houses,
tanneries, forges, and offensive trades,
vide for their exclusion or removal fr
limits, or from any part thereof; to
regulation, for the prevention and su
moval of all filth and garbage in
sloughs, alleys, back yards, or public
such city, or elsewhere therein; to esta
and repair city prisons, and to provi
regulation of the same, and for the s
of persons committed thereto; to prov
care, feeding, and clothing of the city
to provide for the formation of a cha
persons convicted of crimes or misdem
their proper employment and compulso
for the benefit of the city; and also to
the arrest and compulsory working of
prohibit and suppress all gaming, and
ling or disorderly houses, and houses
and all immoral and indecent amuseme

shows; to establish and regulate mar-
market-places; to fix and regulate the
which railroad cars may run within the
. or any portion thereof; to provide for
ate the commons of the city; to regulate
bit fast driving or riding in any portion
y; to regulate or prohibit the loading or
gunpowder and combustible or explo-
rials in the city, or transporting the
ough its streets or over its waters; to
chase, hold, use, and enjoy property of
ne or kind whatsoever, and the same to
, transfer, mortgage, convey, control, or
to build, erect, or construct houses,
or structures of any kind needful for
purposes of such city; to establish, con-
ulate, and maintain a fire department
city, to change or reorganize the same,
sband any company or companies of the
rtment; also to discontinue and disband
department, and to create, organize, es-
nd maintain a paid fire department for
; provided, that nothing in this chapter
onstrued to authorize the said city coun-
band or discontinue the fire department
y having, at the time of its organization
s act, a volunteer fire department organ-
existing, or to create, establish, and
a paid fire department therein, without
mitting the proposition of establishing a
department for such city to the legal
ereof, at a general city election, for de-
d not after such election, unless thereat
y of all the votes cast at such election
vor thereof; and in the event that any
eafter the volunteer fire department of
shall be disorganized or disbanded, and
ire department established in its stead,
ry person who shall have been an active
or the space of two years next before the
uch disbanding and establishing shall be
to and shall receive an exempt fireman's
te, and such certificate shall entitle the
o whom it is issued to all benefits and im-
accorded by the laws of this state in re-

gard to exempt firemen; to institute
any and all measures and means for
tion or extinguishment of fires; to es
limits, and the same to alter at pleasu
late or prevent the erection of wood
buildings or structures of combustible
to regulate the construction of buildi
awnings, signs, or any structures of a
or unsafe character; to adopt, enter
carry out means for securing a suppl
for the use of such city or its inhabit
irrigating purposes therein; to preven
flow of the city, or to secure its drain
vide for the numbering of houses; to
board of health; to prevent the intro
spread of disease; to establish a city
and provide for the indigent sick; and
and enforce regulations for the pr
health, cleanliness, peace, and good o
city; to establish and maintain hospita
without the city limits; to control and
terments, and prohibit them within the
to build, alter, improve, keep in repai
trol the water-front; to erect, regulate,
wharves, and to fix the rate of wharfag
sit wharf, and levy dues upon vessel
modities, and to provide for the re
berths, landing, stationing, and re
steamboats, sail vessels, rafts, barg
other water-craft; to fix the rate o
which steamboats and other steam
may run along the water-front of the c
bridges so as not to interfere with na
provide for the removal of obstruct
navigation of any channel or watercou
out and excavate sloughs and other w
or channels; to license steamers, boat
sels used in any watercourse in the c
fix and collect a license tax thereon;
ferries and bridges under the law reg
granting of such license; to determine
fines for forfeitures and penalties th
incurred for the breach or violation
ordinance, and also for a violation of
sions of this chapter, when no penalt
thereto or provided by law, and to app

s, penalties, and forfeitures for the bene-
city; but no penalty to be enforced shall
or any offense, the amount of five hun-
ars, or three months' imprisonment, or
l every violation of any lawful order,
n, or ordinance of the city council of such
ereby declared a misdemeanor or public
nd all prosecutions for the same may be
ame of the people of the state of Cali-
o create and establish a city police, to
their duties and their compensation, and
e for the regulation and government of
: to provide for conducting elections and
ng election precincts, when necessary; to
either in open session or by committee,
nts or doings of all officers or other per-
ng the care, management, or disposition
s, property, or business of the city; to
appropriations, contracts, or agreements
se or benefit of the city, and in the city's
provide by ordinance for the opening,
nt, altering, constructing, extending, re-
grading, paving, graveling, macadamiz-
herwise improving of public streets, ave-
l other public ways, or any portion of
ereof, and for the construction, regulation
r of sidewalks, and other street improve-
l at the expense of the property to be
thereby, without any recourse, in any
on the city for any portion of the ex-
such work, or any delinquency of the
holders or owners, and to provide for the
le thereof for such purposes, to establish
n grade for streets, avenues, sidewalks,
res, and to enforce the observance there-
ar, cleanse, alter, straighten, widen, fill
se any waterway, drain, or sewer, or any
rse in such city, when not declared by
e navigable; to adopt, provide for, estab-
maintain a general system of sewerage,
ge, or both, and the regulation thereof,
se thereof to be borne by general taxation
taxable property and inhabitants of and
city; to provide funds for the purpose
, and to determine manner, terms, and
connection with main or central lines of

pipes, sewers, or drains established
derived from general tax, and compel
with and conformity to such general
sewerage, or drainage, or both, and
tions of said council thereto relating,
iliction of suitable penalties and
against person and property, or eithe
conformity to or failure to comply wi
visions of such system and regulations
to provide for all public buildings, pu
or squares, necessary or proper for the
city; to permit the use of the streets
purposes; to order paid any final
against such city; but none of its lan
erty of any kind or nature, taxes, rev
chise, or rights, or interest, shall be
levied upon, or sold in or under any pr
soever; to regulate the sale of coal a
such city, and may appoint a measur
and weigher of coal for the city, and
duties, and prescribe his term of offi
fees he shall receive for his services
that such fees shall, in all cases, be
parties requiring such service.

Indebtedness not to exceed means in t

Sec. 623. The city council shall
audit, allow, nor permit to accrue an
liabilities above the actual revenue an
means in the treasury that may be le
tioned for such purpose, nor shall any
drawn, or evidence of indebtedness be
less there shall be sufficient money in t
justly applicable to meet the same.

Council to audit demands.

Sec. 624. All accounts and demands
lawfully arise against the city shall b
to the city council, and if found corr
allowed, and an order be made that the
paid; upon which (if there be funds i
ury as in the preceding section provide
shall draw a warrant, which shall
signed by the president of the city co
the treasurer, in favor of the owner o
the demand, specifying for what purp
what authority it is issued, and out of

be paid, and the treasurer shall pay the
t of the proper fund. All accounts and
against such city, other than such as are
le to or payable out of the school fund,
presented to the city council duly item-
d accompanied with an affidavit of the
his agent, stating the same to be a true
imate claim against such city for the full
or which the same is presented, and that
accrued as set forth, and with all neces-
proper vouchers, within one year from
the same accrued; and any claim or de-
t so presented within the time aforesaid
forever barred, and said council shall
authority to allow any account or demand
esented in manner and time as aforesaid,
any action be maintained against such
or on account of any demand or claim
he same until such demand or claim shall
t been presented to the city council for
ereon.

n of expenditure.

5. The annual expenses of such city
exceed the sum of one hundred thousand
xcept in cities where one per cent. on the
of the property therein raises more than
of one hundred thousand dollars, and in
es the annual expenses shall not exceed
of one per cent. of the valuation of the
therein; provided, however, that moneys
d to be raised and expended for the pay-
the funded or bonded indebtedness of
and for school purposes in such city, as
to be raised by the provisions of this
shall not be considered a portion of said
xpense. If, at any time after the said
l have been expended in any year, it
ear that the interests of such city de-
expenditure of an additional sum, the
cil shall make a report of the same,
all be published for at least three weeks
ewspaper printed and published in such
icularly specifying the object or objects
said expenditure is required, and the
f money necessary to be raised to com-

plete the same. At any time within te
the expiration of said publication, the
shall order an election, giving ten
thereof, at which time those perso
legal voters of such city may vote fo
a tax to raise such additional sum.
shall be conducted and returns mad
vassed in all respects as the general
such city, and a majority shall deter
tax be levied or not. If the vote is
such tax, the city council shall forth
order to be entered on the journal o
ceedings, order the tax to be levied a
upon the basis of the last municipal
and shall make the proposed expen
vided, that the special tax thus to be
for no one year, be more than one per
valuation of real and personal prop
city, as shown by the last assessmen
special taxes to be levied and collecte
provisions of this section shall be lev
lected in the manner, form, and way
for the levying and collecting of the g
of such city; and as a security for the
a lien shall attach to and against each
for the amount assessed against it fr
of the order; and every person, firm,
tion against whom a tax be thus asses
personally liable to pay the amount t
Said lien shall continue until such tax
or the property become vested in
under a sale thereof. [Amendmen
March 19, 1889; Stats. 1889, p. 371;
mediately.]

Excessive expenditure void.

Sec. 626. Every appropriation or
money made or ordered by the city c
cess of said sum stated in section six
twenty-five, unless it shall be authoriz
of the electors of such city, as provide
preceding section, shall be invalid,
void, and shall be recoverable by the c
party or parties to whom the same
knowingly taken or received by such
ties; and the members of the city

ve voted for the same shall be indivi-
ointly, and severally liable for such ex-
it may be recovered from them in any
competent jurisdiction by the party or
vith whom they have contracted, or by
if payment has been actually made.
ient approved March 19, 1889; Stats.
71; in effect immediately.]

reets.

. All the streets in such city that have
hall hereafter be laid out and dedicated
rty or parties owning the land fronting
same, or by the authority of such city,
ired to be public streets, and that have
hall hereafter be used as such, shall be
ereby declared public streets to the ex-
the same may have been or shall here-
ised, laid out, or dedicated.

for works and materials.

. All contracts for work to be per-
r materials to be used, ordered by or for
or in which it is interested, may be, and
cost exceeds five hundred dollars shall
the lowest bidder. A notice, signed by
soliciting sealed proposals, shall be pub-
easonable time, in no case less than ten
r to the time fixed for opening such bids.
ce shall designate the work to be done.
lace and the time in which it may be per-
nd such other specifications as may
ve the bidders a knowledge of the object
omplished, and with a reference to the
or specifications on file in the clerk's
the day limited in said notice for the
f said bids the council, or a committee
appointed, shall, in open meeting, open
re said bids and award the contract to
t responsible bidder; provided, however,
ity council, or its committee, may reject
when considered too high or uncertain
circumstances. The council or commit-
before considering any offer, require se-
t the party will enter into a contract if
to him; and all contracts shall be in
nd accompanied with a bond satisfac-

tory to the mayor. No officer of such c
interested in any contract to which th
party, and any contract contrary to the
hereof shall be void.

Improvement of public highways.

Sec. 629. The city council is authoriz
powered to establish, lay out, alter,
prove, and repair streets, avenues,
alleys, bridges, squares, and other p
ways and places within the city, an
sprinkle, and light the same; to rem
structions therefrom; to establish
thereof; to grade, pave, macadamize,
curb the same, in whole or in part,
struct gutters, culverts, sidewalks,
walks therein, or upon any part thereo
to be planted, set out, and cultivated,
along the lines thereof or therein, and
manage and control all such highways

Apportionment of expense.

Sec. 630. The city council shall have
to provide by ordinance for doing any
in or upon the streets, avenues, high
public places of such city, and for mak
street improvements and repairs, or fo
ervation thereof, and for doing any o
thereupon or therein authorized by th
and for the payment of the cost an
thereof by the levy and collection of
sessments therefor upon the property t
ed or benefited thereby. That is to s
pense or cost of any work or improve
the streets, avenues, or public ways o
shall be assessed upon the lots and lan
thereon, each lot or portion of a lot b
ately assessed for the full debt therec
tion to the benefits upon the property
fited sufficient to cover the total expe
work to the center of the street on whic
The expense of all improvements in
formed by the junction of two or more
where one main street terminates in
another main street, and also all necess
crossings or crossways, shall be paid by
In all the streets constituting the wa

, or bounded on the one side by the prop-
reof, the expense of work done on that
f said streets from the center line thereof
d water-front, or to such property of the
nded thereon, shall be provided for by
but no contract for any such work shall
except to the lowest responsible bidder,
e manner hereinbefore provided. When
or improvement mentioned in this sec-
ne or made on one side of the center line
treets, avenues, or public ways, the lots
s of lots fronting on that side only shall
ed to cover the expenses of said work.
to the provisions of this chapter.

clause.

. The style of the city ordinances shall
ows: "The mayor and city council of the
— do ordain as follows;" and all ordi-
nall be published in one or more of the
rs published in the city.

on of ordinances.

2. By-laws and ordinances shall be
y the city council and approved by the
the president of the city council acting
ad. But before any by-law or ordinance
e any binding validity, it shall be pub-
one or more newspapers published in the
recorded in the record-book to be kept
rk. The clerk shall certify on the record
f publication, and so certified, the record
rima facie evidence of the passage there-
ay be read as evidence of the by-law or
, and its publication. A printed copy of
nance or by-law, or a compilation thereof,
y authority of the city council, and at-
the clerk, shall be evidence thereof in
ner and with like effect.

journal.

. All orders of the city council, to have
legal validity, shall be entered on the
their proceedings, which journal shall
by the officer who may preside at such

noes.

4. Upon the passage of all ordinances
ating money, imposing taxes, abolishing

licenses, increasing or lessening the a
paid for licenses, the ayes and noes
tered upon the journal.

Majority necessary.

Sec. 635. A majority of all the men
shall be necessary to pass any ordi
priating for any purpose the sum of
dollars or upwards, or any ordinan
any assessment, tax or license, or in
creasing or diminishing the city reven

Free library.

Sec. 636. The trustees of any fre
brary, created or existing in such ci
provisions of an act entitled "An act
the public libraries and reading-room
April twenty-sixth, eighteen hundred
shall be appointed by the city council
manner as other officers are appointe
provisions of this chapter, anything
visions of said act to the contrary n
ing.

Article IV.—Taxation.

Tax levy.

Sec. 640. The city council shall hav
and authority to assess, levy, and coll
taxes upon all the property within th
ble for state purposes, not exceeding
upon the assessed value thereof, wh
paid into the general fund for curre
They shall provide for the payment o
pal and interest of the bonded inde
any, of such city, and for the payn
other indebtedness of such city not
they shall each year levy, assess, an
additional tax upon the taxable prope
said, not exceeding two per cent. in a
which, when collected, shall be paid in
be disbursed as follows:

1. To pay the interest on said bond
2. To a fund for the payment of
thereof; and,
3. To meet any indebtedness, as a
funded.

e city council, in making said levy, shall
the proportion requisite for each fund,
ame shall be expended, under the direc-
e city council, for the purpose aforesaid,
no other purpose. Said tax shall be
sessed, and collected upon all property
taxation within such portion and such
d so much of the territory of such city
be liable therefor under the laws and
n existence at the time of the organiza-
ch city under this act; and if, by reason
ion of territory, or from any cause, a
ly, or a certain district, of such city be
der said laws and charters, for the pay-
he bonded and other indebtedness above
any portion of either thereof, the city
levying such tax shall make such levy
against the property which is situated
ns who may reside in the territory of
liable in each case for the payment of
btedness, or any particular class or por-
of, according to such existing laws and
The city council shall also have power
nnually, by tax upon all the property
e city taxable for state purposes, what-
unt of money may be requisite for the
f free public schools therein, including
ls, and providing and furnishing houses
but the tax provided for in this section
exceed thirty-five cents on each one hun-
rs valuation upon the assessment roll in
ear, and may, in like manner, raise by
for the establishment and maintenance
public library and reading-room; such
exceed, in any one year, the rate of ten
ach one hundred dollars valuation.

ssessor.

. It shall be the duty of the city asses-
pare, between the first day of January
rst Monday in April in each year, and
the city clerk, with his certificate of its
s, a list of all the real and personal
within the city on the first day of Janu-
le for state and county purposes, with a
tion thereof on the first day of January,

which said assessment list shall co
as practicable, when not inconsisten
visions of this chapter, to the asse
quired by law to be made by the c
for state and county purposes; als
assessments for the improvements
herein or by ordinance provided; to
the sessions of all boards of equ
tioned in this chapter, and to furnis
such information as may be requir
form such other services in refere
sessments of property in the city o
pertaining to his office as the city c
nance or resolution may require. I
sion of the board of equalization th
shall enter upon the assessment
changes and corrections made by
may assess and add to such list a
such city not previously assessed.
ment and listing of property for ta
the collection of tax upon persona
secured by lien upon real estate, he
may exercise the same powers as a
law upon county assessors, and
therefor the same fees and comp
shall receive a salary to be fixed by
cil, which shall not exceed five h
per annum. [Amendment appro
1889: Stats. 1889, p. 371; in effect
Equalization.

Sec. 642. The city council, or a
their number selected for that purp
council, at a meeting thereof to
first Monday of April of each yea
tute a board of equalization, and
assessor shall have completed and
assessment list to the city clerk,
days' notice published in some new
city, hold meetings to hear and dete
plaints respecting the valuation o
fixed by the assessor in such list,
power, on their own motion, with o
plaint made, to modify and change
in any way they shall deem just a
vided, however, that before makin
in any assessment, the board shall

rested by letter, deposited in the post-
express, postpaid, and addressed to such
at least three days before action taken,
ay fixed when the matter shall be investi-
provided, further, that no reduction must
e in the valuation of property, unless the
ffected thereby, or his agent, makes and
h the board a written application therefor
by his oath, showing the facts upon
t is claimed such reduction should be
Any member of said board shall have
o administer oaths and affirmations in the
before said board, and the sessions of said
hall be held from time to time, as in its
pecified, for the period of two weeks, and
er.

complete.

43. After the board of equalization shall
mpleted their duties, the city clerk shall
the columns of valuation, and enter the
luation of each description of property in
and the total value of all property as-
nd listed thereon; and thus equalized and
p, the clerk shall, on the first Monday of
reafter, deliver it to the city council.

the tax.

44. On the first Monday in May in every
city council, by an ordinance, shall levy
the property in the city taxable by law
e purposes a tax for school purposes, and
current and general expenses of the city;
conformity to the provisions of this chap-
l levy any and all other taxes by law di-
ned to be levied or assessed; and, in con-
with the provisions of this chapter, shall
ax for the payment of the funded debt
e property liable therefor. Every tax so
made a lien, which shall attach on said
ach year to and against all real property
for the amount assessed against it; and
roperty be assessed to a wrong person, or
ong name, said lien shall in no wise be
or invalidated, and it shall not be satis-
emoved until the taxes are paid, or the
has absolutely vested in a purchaser

under and by reason of a sale for
Every tax assessed upon personal
lien upon the real property of the o
from and after the time of the levy
The fiscal year shall begin on the firs
uary; and the terms "real and perso
shall have the same meaning as th
used in the revenue laws of the stat

List to be delivered to collector.

Sec. 645. As soon as the city cou
clared and levied the taxes in any y
preceding section provided, the cit
carry out, in a separate money colu
the amount of taxes assessed agai
vidual, firm, company, corporation,
owner, and add and put down the ag
taxes as shown by the list; and as
out, the city clerk shall certify to it
and on or before the third Monday
after deliver it to the city collect
charge him with the amount of ta
up, and take his receipt therefor.

Collection.

Sec. 646. The collector, on receivi
ment list certified by the clerk, sh
collect the taxes specified therein,
the same into the treasury, taking a
of. For the purpose of collecting
thorized by this chapter, the city
have such powers as are given b
laws of this state to collectors of st
taxes, so far as the same are applic
unpaid at the close of official busine
Monday of June shall be deemed de
which time the collector shall receiv
taxes; and he shall, on said day,
sessment roll a levy upon all prope
sessed the taxes upon which rema
shall immediately ascertain the to
taxes unpaid, and file in the office o
a list of all persons and property th
verified by his oath, which list sha
the delinquent list.

Delinquencies.

Sec. 647. On the third Monday i
year, at six o'clock p. m., all unpa

nd thereafter the collector must collect
r the use of the city, an addition of
nt.
list.
On the first Monday in July of each
city collector must deliver to the city
plete delinquent list of all persons and
ien owing taxes; and in the list so de-
st be set down in numerical or alpha-
er all matters and things contained in
nent roll and relating to delinquent per-
perty.
n.
The city clerk must carefully compare
quent list with the assessment roll, and
that it contains a full and true state-
ll taxes due and unpaid, he must foot
l amount of taxes so remaining unpaid;
city collector therewith, and make a
ment with him of all taxes charged
n on the assessment roll; and must re-
him the treasurer's receipt for the full
taxes collected.
n.
After settlement with the city col
prescribed in the preceding section, the
nust charge the city collector with the
taxes due on the delinquent tax list,
ve per cent added thereto, and within
thereafter deliver the list, duly certi-
h city collector.
n.
On or before the third Monday in July
ar, the city collector must publish the
list, which must contain the names of
s and a description of property delin-
the amount of taxes and costs due, op-
name and description, with the taxes
sonal property, added to taxes on real
re the real estate is liable therefor, or
taxes are due from the same person.
must be appended and with it publish-
e that unless the taxes delinquent, to-
the costs and percentage, are paid, the
rty upon which such taxes are a lien
ld at public auction, and designating

therein the time and place of su
must take place in or in front of
tor's office, and not less than fou
than twenty-one days from the firs
Collector to certify.

Sec. 652. Said list must be publis
a week for two successive weeks
paper or supplement thereto pub
city, and when such publication is
before commencing the sale, the
must file with the city clerk a cop
cation, with his affidavit attached
is a true copy of the same, that
was made in a newspaper or a su
to, stating the name and place of p
affidavit shall be prima facie evid
facts therein stated. The expens
cation of the delinquent list is to
city.

Additional amount.

Sec. 653. The city collector mus
dition to the taxes due on the deli
five per centum added thereto, fift
lot, piece, or tract of land separatel
on each assessment of personal pr
of which must go to the city, and
city collector, in full for preparin
Sale.

Sec. 654. On the day fixed for
some subsequent day to which he
poned it, of which he must give
collector, between the hours of te
and three p. m., must commence
property advertised, commencing
the list, and continuing alphabeti
numerical order of lots and bloc
pleted.

Postponement.

Sec. 655. He may postpone t
mencing the sale, or the sale, fr
but the same must be completed w
from the day first fixed.

Owner may designate portion.

Sec. 656. The owner or person
any real estate offered for sale

ay designate, in writing, to the city col-
r to the sale, what portion of the prop-
shes sold, if less than the whole; but if
or the possessor does not, then the col-
designate it, and the person who will
east quantity of the land, or in case an
interest is assessed, then the smallest
the interest, and pay the taxes and costs
ling fifty cents to the city collector for
ate certificate of sale, is the purchaser.

certificate.

After receiving the amount of the
costs, the city collector must make out
e a certificate, dated on the day of sale,
hen known) the name of the person
description of the land sold, the amount
for, that it was sold for taxes, giving
t and year of the assessment, and spe-
time when the purchaser will be en-
deed.

The certificates must be signed by the
nd one copy delivered to the purchaser,
he filed in the office of the county re-

sales.

The city collector, before delivering
cate, must in a book enter a descrip-
land sold, corresponding with the de-
n the certificate, the date of sale, pur-
ame, and amount paid, regularly num-
escriptions on the margin of the book,
corresponding number on each certifi-
h book must be open to public inspec-
ut fee, during office hours, when not in

d in purchaser.

On filing the certificate with the
order, the lien of the city vests in the
and is only divested by the payment to
he city treasurer for his use, of the pur-
ey, and fifty per cent thereon.

n.

A redemption of the property sold may
y the owner, or any party in interest.

within twelve months from the d
chase.

Records of redemption.

Sec. 662. On receiving the cer
the recorder must file it, and mak
book similar to that required of t
the presentation of the receipt of t
ed in the certificate or of the cit
his use, of the total amount of red
the recorder must mark the word
date, and by whom redeemed, on
and in the margin of the book whe
the certificate is made.

Purchaser's deed.

Sec. 663. If the property is not
in the time allowed by law for its
city collector, or his successor in of
to the purchaser, or assignee, a de
erty, reciting in the deed substan
ters contained in the certificate, a
son has redeemed the property dur
lowed for its redemption. The co
entitled to receive from the purch
lars for making such deed.

What the deed proves.

Sec. 664. The matters recited in
of sale must be recited in the deed,
duly acknowledged or proved is p
dence that:

1. The property was assessed,
law;

2. The property was equalized,
law;

3. The taxes were levied in a
law;

4. The taxes were not paid;

5. At a proper time and place th
sold, as prescribed by law, and by
cer;

6. The property was not redeeme

7. The person who executed the
proper officer;

8. Where the real estate was so
on personal property, that the real
to the person liable to pay the tax

evidence of regularity.
5. Such deed, duly acknowledged or
s (except as against actual fraud) con-
vidence of the regularity of all other pro-
from the assessment by the assessor, in-
p to the execution of the deed, and con-
he grantee the absolute title to the lands
therein, free from all incumbrances.
nt roll a guarantee of regularity.
6. The assessment roll or delinquent list,
thereof, certified by the city clerk, show-
d taxes against any person or property,
facie evidence of the assessment, the
assessed, the delinquency, the amount
unpaid, and that all the forms of law in
o the assessment and levy of such taxes
n complied with.

rticle V.—Executive Department.

d powers of mayor.
. The mayor shall be the chief executive
the city. He shall have a general super-
er the several departments of the city
nt, and over all its interests, shall pre-
the city council when present, once in
nths submit a general statement of the
of its various departments, and recom-
he city council such measures as he may
edient for the public good, or improve-
he city, its finances, or government. He
all ordinances passed by the city coun-
approves them; if he does not approve,
within eight days after its submission to
rn the same to the city clerk's office,
objections in writing, and at the first
of the city council thereafter the same
ntered upon their journal, and they shall
nsider such ordinance, and unless two-
the councilmen elect, vote for its passage.
ot become a law. If the mayor shall not
any ordinance within eight days, it shall
law as if he had signed it. He may call
eetings of the city council at any time;

he shall do so at the written reques
ilmen, by notifying each member
by a written notice left at his last a
of abode, or at his place of busines
ness hours, stating the purpose of s

President of council.

Sec. 671. The president of the cit
preside at all its meetings when th
present; and whenever there is a v
office of mayor, or he is absent fro
unable, from any cause, to discharg
his office, the president shall act as
ercise all his authority and be sub
ties. He shall countersign all wa
censes issued under and by authori
but in his absence or inability to
duty, the mayor, or, if he is absen
perform said duty the president p
none has been elected the chairman
committee, may sign the same.

Deputies.

Sec. 672. The chief of police, city
assessor, city clerk, and city collec
commissioner may each, with the a
city council, only appoint such depu
necessary, by writing, to be filed v
Each deputy so appointed shall r
services a compensation to be fixe
council, not exceeding one hundr
month, and shall perform such du
direction of his principal as may b
be prescribed. The principals sha
sponsible for his deputy, and may
pointment at pleasure.

Chief of police.

Sec. 673. The chief of police shall
ary which shall not exceed the sum
and five hundred dollars per annu
mined by the city council.

Treasurer.

Sec. 674. The city treasurer shall
ary which shall not exceed the sum
dred dollars per annum, to be dete
city council.

' treasurer.

5. It shall be the duty of the city treas- eceive and safely keep all moneys belong- ch city, from whatever source derived, to same to the credit of the different funds they properly belong, in a book kept for pose; to disburse said moneys by the di- ' the city council, and in accordance with sions made by them, and the school fund, rection of the board of education, under sions of this chapter, and to make a re- thly to the city council of the condition easury.

6. It shall be the duty of the clerk of the ep the corporate seal and all papers and s belonging to the city; to file them in his der appropriate heads; to attend the sit- he city council and to keep a journal of eedings and records of all their by-laws, s, and ordinances; to sign all warrants ses issued in pursuance of the orders and s of the city council, and to affix the cor- al on such licenses; to keep an accurate n a suitable book, under the appropriate expenditures of all orders drawn upon reasurer, and all warrants issued in pur- ereof; also, to keep an account in an ap- book of all licenses issued, with the the persons to whom issued, the date of time for which the same was granted, sums paid therefor, and to perform such ies as he may be required to perform by sions of this act, or by ordinance. He ive for his services a salary to be fixed ty council, not exceeding the sum of one dollars per month.

7. It shall be the duty of the city assess- are the assessment rolls, lists, and books, ake the assessment of persons and prop- aid city as required by this chapter; also and present all assessments for improve- streets, or other work of like character. receive a salary, to be fixed by the city

council, not exceeding five hundred d
num.

Collector and commissioner.

Sec. 678. The city collector and s
sioner shall collect all taxes, assessm
wharfage rates, and all other money
ing, accruing, belonging, or coming
and the same shall pay over monthl
treasurer, unless otherwise ordered
council. He shall regulate the lan
tioning of all steamers, vessels, bo
water-craft, and shall make report
council each month. As street com
shall have the general supervision
public squares, levees, wharves, sl
waterways, bridges, sidewalks, cro
public buildings, and shall superint
repairs, or improvement thereof or
the request of the street committe
council, he shall make report to them
doings, and shall do and perform a
duties as may be required of him by
the city council. As street commiss
city, he is hereby authorized, in h
pacity, to make all written contract
all bonds authorized in this chapte
any other act, either expressed or
pertains to the street department un
ter. He shall fix the time for the pe
the work under all contracts entered
in accordance with the notice given
cil; and may extend the time so fix
to time, under the direction of said
work upon the streets, avenues, or
of sidewalks or bridges, or in the im
the public buildings, squares, and p
city provided for in this chapter; or
ders or ordinances of the city council
must in all cases be done under the
to the satisfaction of the street comm
the materials used shall be such as
by said commissioner, in accordance
tracts; and all contracts made there
tain this condition, and also express
no case, except when it is otherwis
this chapter, will the city be liable

the expense, and where such expense is de-
by assessments, in no case for any delin-
of persons or property assessed.

force.

79. The police force of such city shall con-
the chief of police, and such number of
en as shall from time to time be fixed and
ined by the city council.

commission to elect.

80. The policemen of such city shall be
by a police commission, to consist of the
chief of police. and the police judge; and
olicemen shall hold office from and after
ection to and including the second Monday
ary next ensuing after a regular city elec-
less sooner removed for cause.

ommission.

81. The president of the city council, the
n of the finance committee, and the chair-
the street committee of the city council
onstitute a police trial commission. and
mmission shall have power, under rules of
re to be prescribed by ordinance of such
receive, hear, try, and determine all com-
against policemen of such city for viola-
official duty, or of any rule, regulation, by-
ordinance of such city, and shall have
n such behalf to condemn or acquit, repri-
suspend, or remove any policeman.

Article VI.—Judicial Department.

court.

90. A police court is hereby established
city, which court shall always be open,
upon non-judicial days, and upon such days
nsact criminal business only.

91. The police court of such city shall
risdiction of the following public offenses
ted within such city:

it larceny;

sault or battery, not charged to have been
ted upon a public officer in the discharge
fficial duty or with intent to kill;

3. Breaches of the peace, riots, mitting willful injury to property, meanors punishable by fine not hundred dollars, or by imprisonmer ing six months, or by both such fi onment;

4. Of proceedings respecting vag disorderly persons;

5. Of all proceedings for violatio nance of said city, both civil and cr and all suits to recover taxes, gene levied in such city for city purpos suits to recover any assessment levi for the improvement of streets, av sidewalks, and public squares, and ing or laying out of the same, whe of said tax or assessment sought t against the person, firm, or corporat less than three hundred dollars; pr upon the property taxed or assesse payment of the taxes or assessment foreclosed by said suit;

6. Of an action for the collection to such city, or from the city to an or corporation, when the amount so lected is less than three hundred do

7. Of an action for the breach any official bond given by any city the breach of any contract, and a damages in which the city is a part way interested and on all forfeited given to or for the benefit or in b city, and upon all bonds given up taken from the judgment of said action above named, when the am exclusive of cost, is less than three lars;

8. Of an action for the recover property belonging to the city whe the property, exclusive of the da taking or detention, is less than dollars;

9. Of an action for the collection required by any ordinance of the c

10. The police court shall have e diction of all proceedings mentione

no justice of the peace in such city shall
ver to try and decide any cases of the
nentioned in said section; provided, that
ce of the peace of such city who may be
d in writing by the mayor, or president
ty council thereof, for the purpose, shall
ver to preside in and hold the police
court of said city in the cases in which
e judge is a party, or in which he is di-
terested, or when the judge is related to
rty by consanguinity or affinity within the
ree; and also in the case of the sickness
rary absence of the judge, or his inabil-
t from any cause; and in all such cases,
ng such sickness, temporary absence, or
the justice so designated shall act as
dge, and shall have and exercise all the
jurisdiction, and authority which are or
y law conferred upon said court or judge.
of judge.

2. The judge of said court shall also have
hear cases for examination, and may
and hold the offender to bail for trial
oper court, and may try, condemn, or ac-
l carry his judgment into execution, as
may require, according to law; and to
ersons guilty of contempt of court, and
ve power to issue warrants of arrest in
a criminal prosecution for the violation of
dinance, as well as in case of the violation
riminal law of the state; also, all sub-
nd all other processes necessary to the
proper exercise of his powers and juris-
n all criminal trials before the police
the violation of a city ordinance, as well
ses of a violation of the criminal law of
, made triable before such court: the de-
shall be entitled, if demanded by him, to
rial, but a trial by jury may be waived
efendant in all such cases, and upon such
he court shall proceed and try the case.

93. The city council shall furnish, for
of the police court, two dockets; one shall
l "The city criminal docket," in which all

the criminal cases shall be recorde
shall be alphabetically indexed; th
styled "The city civil docket," a
tain a record of every civil case w
ed before said court, and each cas
erly indexed, and in all cases th
contain all such entries as are req
be made in the justice's docket; a
commenced or tried before the c
must show what duties were per
officer, and the amount of fees d
for such services, and the amou
any, collected.

Appeals.

Sec. 694. Appeals from the polic
taken to the superior court of th
cases cognizable by the said police
appeals shall be taken as in case o
justice's court.

City and district attorney.

Sec. 695. The city attorney of
prosecute all cases for the violati
ful order, regulation, or ordinan
council, and shall prosecute, condu
all proceedings in cases mentione
hundred and twenty-two of this
police court and on appeal theref
perior court, but the district att
tend and conduct all proceedings
a preliminary examination befo
court.

Incarceration.

Sec. 696. In all cases when the
authorized to impose a fine or im
both, upon persons convicted in sa
offense triable therein, the said
tence the offender to be imprison
jail, if there be one established by
cil, if not, then until said council
and establish a city jail or prison
offenders to be imprisoned in the
in addition to imprisonment, may s
ers to be employed to labor in the
direction of the chief of police, and
prescribed by ordinance, for the ben

ch time of imprisonment, and may, in
nposing a fine, embrace as a part of the
that, in default of the payment of such
efendant shall be imprisoned and requir-
or for the benefit of the city as before
at the rate of two dollars a day, till such
isfied. Offenders required to labor un-
rection of the chief of police shall, until
lishment of a city jail, be returned to
jail at the end of each day's labor dur
term of imprisonment, until a city jail
the city council established. It is here-
the duty of the officer having the con-
arge of the county jail of the county
uch city is situated, to receive and safe-
ll persons imprisoned by any judgment
of the police court, in accordance with
of commitment, and to allow those to be
from the jail under the charge of the
olice, who are required to labor for the
the city, or whom the police judge may
ught forth for trial, and the keeper of
all in no way be responsible for the safe-
f such prisoners while so under the
the chief of police.

. The court shall have a seal, to be pro-
the city, and certified transcripts of the
ge's docket and the seal of his court
vidence in any court of the state of the
f the docket; and all warrants, and oth-
es issued out of said court, and all acts
said police judge under its seal, shall
same force and validity, in any part of
as though issued or done by any court
of this state.

eport.
. The police judge shall, on the last
of each month, make to the city council
rt of all the cases tried in his court for
h, in which the city may be interested,
same time shall pay into the city treas-
nes and other moneys collected on be-
e city for such month.

Salaries.

Sec. 699. The city council of suc
low to the police judge an annua
shall not exceed the sum of fiftee
lars, and to the chief of police a
policemen of such city each a sala
be fixed by said council. The sala
lice judge, and chief of police and
be paid from time to time as other c
as the council may determine. Th
lice, or any policeman of such
authorized and empowered to serv
return any and all warrants of arre
cesses directed to him by the polic
city, and to arrest all persons acc
of the violation of any city ordina
public offense, and to do and perfo
duties which, in criminal cases, a
the county may lawfully do, and r
for such services; provided, the cit
in their discretion, deduct the amou
for fees from the monthly salary o
or order the same paid into the ci
the use and benefit of the city, as r
officers respectively; provided, that
charter shall be construed as auth
tling such officers to charge or rec
city, or the county wherein situate
costs in any case whatever, nor sh
county be liable to pay any fees, o
officers for any service they may re
tion or proceeding, either civil or
chief of police shall attend the sessi
court when required, supervise and
lice force of the city, and perform
ties as may be required by the city
taining to the government of the ci
agement of its affairs, not especiall
on some other officer named in thi
the chief of police, or any policem
cretion, shall serve all notices by th
vided to be served, in which the
way interested, and the return of t
ing shall be evidence of the facts
stated, but none of such officers sha
cute any civil process, except as p
chapter.

of justices.
0. The justices of the peace in and for
ship embracing such city shall have the
wers as the same officers in any justice's
the county, and shall have and may ex-
ke powers and authority; provided, how-
at no justice of the peace in such city
ve power to conduct or try and decide
eedings or cases of the classes mentioned
n six hundred and twenty-two of this act;
ing in this section shall be construed to
any of the justices in said city from act-
olice judge.
d party not disqualified.
1. The interest which any inhabitant of
may have in a penalty for the breach
aw or ordinance of such city shall not dis-
said inhabitant to act as judge, juror, or
in any prosecution to recover the penalty.

Article VII.—School Department.

0. The board of education of such city
elected as in this chapter provided, and
sist of one superintendent and two trus-
n each ward in the city.
endent.
1. The superintendent shall be ex officio
of the board of education, and shall re-
his services a salary which shall not
ighteen hundred dollars per annum. He
ort to the city council, annually, on or be-
first Monday in January, and at such
nes as they may require, all matters per-
o the expenditures, income, condition, and
of the public schools of the city during
eding year, together with such accommo-
as he may deem proper, and shall, at the
neeting of the board of education in June
ear, submit to the board a detailed state-
the amount, as near as may be ascertain-
uel, blanks, blank-books, apparatus, sta-

tionery, and such other articles, mat
plies, including books for indigen
may be necessary for the use of th
and the board for one year follow
have power to administer oaths an
concerning any demand upon the
able out of the school fund, or oth
lating to his official duties. [Amen
ed March 14, 1885. In force from
passage.]

Advertisement for supplies.

Sec. 712. The board of education s
receipt of the statement from the s
as in the preceding section provided
the space of five successive days i
paper published in such city, for se
for furnishing the articles in said st
fied. Said advertisement shall de
after the expiration of the publica
when said proposals will be consid
time the board or a committee t
board for such purpose designated,
publicly open and declare the prop
and shall thereupon award the co
to the lowest responsible bidder
each case; provided, that all bids r
ed if deemed too high. Said board
discretion, require a good and suffici
two or more sureties, to be filed by
in the sum of two hundred dollars, c
the fulfillment of his proposal in c
ceptance thereof.

Powers of board.

Sec. 713. Subject to and in accord
directions and provisions of this
board of education shall have full

Establish schools.

1. To establish and maintain pub
cluding high schools, and fix and al
aries of the district thereof.

Employees.

2. To employ and dismiss teachers
other necessary help, and to fix, alt
order paid their salaries or compen
employ and pay such mechanics a

cessary to carry into effect the powers
of the board, and to withhold, for good
ent cause, the whole or any part of the
wages of any person or persons em-
aforesaid.

of schools.

ake, establish, and enforce all necessary
rules and regulations not contrary to
ie government and progress of the pub-
within the city, the pupils therein and
rs thereof, and for carrying into effect
elating to education; also, to establish
te the grade of schools, and determine
e of study and mode of instruction shall
said schools.

nd repairs.

uild, alter, repair, rent, and provide
ses, and the same furnish with lights,
per school furniture, apparatus, and
liances, and to insure any and all school

e.

ceive, purchase, lease, and hold in fee,
such city, any and all real estate; and
trust any personal property that may
or may hereafter be acquired for the
nefit of the public schools of such city.

ents.

ade, fence, and improve school lots, and
ereof to grade, sewer, plank, or pave
, and to construct and repair sidewalks.

ileges.

ie for any and all lots, lands, and prop-
ing to or claimed by the said school de-
and to prosecute and defend all actions
n equity necessary to recover and main-
ll enjoyment and possession of said lots,
property, and to employ and pay coun-
cases.

ine amount of money needed.

etermine annually the amount of taxa-
exceeding thirty-five cents on each one
ollars valuation on the assessment roll,
ed upon the real and personal property

Laws—71.

within the city not exempt from t
establishment and support of free
therein; and for carrying into eff
visions of law regarding public s
amount so determined by said boa
shall be reported in writing to the
or before the first Monday of Apr
and the said city council are he
and required to levy and cause to
the time and in the manner of le
taxes, the amount of taxation so
reported to them by the said boa
as school tax, upon all taxable pro
and said tax shall be in additio
amounts levied for city purposes.

Disbursements.

9. To establish regulations fo
equal disbursement of all moneys
"public-school fund."

Demands.

10. To examine and allow, in w
every demand payable out of the
to reject any such demand for
which the board shall be sole judg

Incumbrances.

11. To discharge all legal incum
isting, or which may hereafter
school property.

Age limit.

12. To prohibit any child und
age from attending the public sch

Other acts.

13. And generally to do and
other acts as may be necessary an
ry into force and effect the powe
said board.

Fund not to be diverted.

14. To use and apply the school
for the purposes in this section he
and for no other purpose whateve

Non-residents.

15. To admit non-resident chil
the departments of the schools of
the payment, at such times as sai
rect, of tuition fee, to be fixed by

xamination.

No teacher shall be employed in any lic schools of such city without having e of the proper grade, issued under the of this chapter. For the purpose of ertificates required, the board of edu- er as a body or by a board of examin- nted by said board of education, and of superintendent shall be president, shall nations of teachers. No certificate shall xcept to a person who shall have passed ory examination in such branches as may require, and shall have given evi- od moral character, ability, and fitness Examinations of teachers must be held lly, at such times as the board may de-

and renewal.

The board may, in its discretion, re- ut re-examination the certificate of any employed. It shall have power to re- ertificate of any teacher upon evidence or unprofessional conduct or incompe- shall always have the power to dis- nd all teachers, and to alter the amount or compensation paid to either or any The board of education may also, with- nation, grant certificates and fix the of to the holders of life diplomas, state diplomas, normal-school diplomas, rsity diplomas, and to the holders of and county certificates as were in full ffect on the first day of January, eigh- ed and eighty.

t visit.

It shall be the duty of the board of to visit and examine each school at each and every month; to observe, and e observed, such general rules for the and government and instruction of the t inconsistent with the laws of the ay be established by the board.

l, how constituted and applied.

The public-school fund of such city t of all moneys received from the state

and county school fund; of all m
from taxes which shall be levied b
cil for school purposes; of all mone
the sale, rent, or exchange of schoo
of such other moneys as may fr
whatever be paid into said scho
fund shall be kept separate and d
other moneys, and shall only be
purposes under the provisions of th
fees or commission shall be al
for assessing, collecting, keeping,
of school moneys; and if at the e
year any surplus remains in the sc
surplus money shall be carried
school fund of the next fiscal yea
of the school fund shall be for an
any manner whatever diverted
from said fund, except as in thi
vided.

Approval of claims.

Sec. 718. All claims payable ou
fund shall be filed with the secreta
and shall be approved by a majo
members of the board, and certific
proval shall be indorsed thereon;
secretary of said board shall draw
on the city treasurer for the pa
which warrant shall be countersig
perintendent. All demands for sa
ers and compensation of janitors s
monthly in the same manner witho
of claims therefor.

Payment of demands.

Sec. 719. All demands authorize
cle, and by the board approved as
be paid by the city treasurer from
upon the presentation of the war
provided, that the board of educa
without the consent of the city co
have power to create any debts or
one year to exceed the actual re
able means in the city treasury un
of the board, and justly applicable
poses for such year.

CHAPTER VI.

pal Corporations of the Fifth Class.

for cities having a population of more n 3,000 and not exceeding 10,000.)

Article I.—General Powers.

s.

. Every municipal corporation of the shall be entitled the city of —— (nam- l by such name shall have perpetual suc- ay sue and be sued in all courts and d in all proceedings whatever; shall use a common seal; alterable at the f the city authorities, and may pur- e, receive, hold, and enjoy real and per- erty, and control and dispose of the the common benefit.

-General Provisions Relating to Officers.

The government of said city shall be a board of trustees, to consist of five a board of education, to consist of five and whenever a free public library and om is established therein, five trustees recorder, a treasurer, a city attorney, a arshal, an assessor, and such subordi- s as are hereinafter provided for.

nd terms of office.

The members of the board of trustees, board of education, and the city clerk, ney, assessor, marshal, treasurer, and hall be elected by the qualified electors y, at a general municipal election, to be in on the second Monday in April in numbered year. The city clerk, city at- sessor, marshal, treasurer, and recorder

shall hold office for the period of tw
and after the Monday next succee
of such election, and until their s
elected and qualified. Members of
trustees and of the board of educa
office for the period of four years f
the Monday next succeeding the da
tion, and until their successors ar
qualified; provided that the first boa
and board of education elected un
sions of this act shall, at their fir
classify themselves, by lot, as that
members shall go out of office at th
two years, and two at the expir
years. The board of trustees may,
tion, appoint a poundmaster, also
ent of streets and a city engineer,
shall hold office during the pleasure
[Amendment, approved March 26
1895, chap. clii. In effect immediat

Official bonds.

Sec. 753. The clerk, treasurer, city
marshal shall, respectively, before
the duties of their respective offices
a bond to such city in such penal su
of trustees by ordinance may det
tioned for the faithful performance
including in the same bond the du
fices of which he is made by this
ficio incumbent. Such bonds shal
by the board of trustees, All bonds,
ed, shall be filed with the clerk, ex
of the clerk, which shall be filed wit
of the board of trustees. All the pr
law of this state relating to the of
officers shall apply to such bonds ex
otherwise provided. Every officer
before entering upon the duties of
take and file with the clerk the cons
of office.

Vacancies.

Sec. 754. Any vacancy occurring
offices provided for in this act sha
appointment by the board of truste
office be elective, such appointee s

til the next regular election, at which time
n shall be elected to serve for the remain-
uch unexpired term. In case a member of
rd of trustees is absent from the city for
od of ninety days, unless by permission of
rd of trustees, his office shall by the board
ired vacant, and the same filled as in case
vacancies.

sation.

55. The members of the board of trustees
ceive no compensation whatever, except
cting as a board of equalization. The
r, assessor, marshal, clerk, and recorder
verally receive at stated times, a compen-
o be fixed by ordinance, by the board of
, which compensation shall not be increas-
iminished after their election, or during
veral terms of office. Nothing herein con-
hall be construed to prevent the board of
from fixing such several amounts of com-
n, in the first instance, during the term of
any such officer, or after his election. The
sation of all other officers shall be fixed
ime to time by the board of trustees.
ment approved March 19, 1889; Stats.
389. In effect immediately.]

regulations.

56. All elections in such city shall be held
rdance with the general election laws of
e, so far as the same may be made appli-
nd no person shall be entitled to vote at
ction unless he shall be a qualified elector
county, enrolled upon the great register
and shall have resided in such city for at
irty days next preceding such election.
ard of trustees shall give such notice of
ction as may be prescribed by ordinance,
point boards of election, and fix their com-
n, and establish election precincts and
places, and may change the same; provid-
no part of any ward less than the whole
shall be attached to any other ward, or
ereof, in forming election precincts. At
nicipal election the last printed great reg-
the county shall be used, and any elector

whose name is not upon such prin
shall be entitled to vote, upon produ
ing with the board of election a certi
the hand and official seal of the c
showing that his name is registered
celed upon the great register of such
vided that he is otherwise entitled to

Eligibility to office.

Sec. 757. No person shall be eligible
office in such city, whether filled by
appointment, unless he be a resident
therein, and shall have resided in s
one year next preceding the date of s
or appointment.

Free library.

Sec. 758. The trustees of any free p
created or existing in such city unde
ions of an act entitled "An act to e
public libraries and reading-rooms,
April twenty-sixth, eighteen hundred
shall be elected by the qualified elec
city, at a general municipal election
therein on the second Monday in Ap
ceeding the passage and approval of
shall hold office for the period of fou
and after the Monday next succeedin
such election, and until their successo
ed and qualified. In case a vacancy
in the office of trustee of such free p
and reading-room, the board of trus
free public library and reading-room
a person to fill such vacancy, who sh
til the next general municipal electi
the term does not then expire, a per
elected to serve for the remainder of
pired term. [Amendment approved A
Stats. 1897, chap. cclvii. In effect i

rticle III.—Legislative Department.

f trustees.

60. The board of trustees shall meet on nday next succeeding the date of said gen- nicipal election, shall take the oath of of- all choose one of their number president, all hold regular meetings at least once in nth, at such times as they shall fix by or- . Special meetings may be called at any the president of the board or by three , by written notice delivered to each mem- least three hours before the time specified purposed meeting. All meetings of the f trustees shall be held within the corpo- nits of the city, at such place as may be ted by ordinance, and shall be public.

s.

61. At any meeting of the board of trus- majority of the trustees shall constitute a for the transaction of business, but a less may adjourn from time to time, and mav the attendance of absent members in such and under such penalties as may be pre- by ordinance. The president of the board eside at all meetings of the board, and in his absence, the board may appoint a nt pro tem.; and in case of the absence of k, the president or president pro tem. shall one of the members of the board clerk .

62. The board of trustees shall judge of lifications of its members and of all elec- urns, and determine contested elections of officers. They may establish rules for the of their proceedings, and punish any , or other person, for disorderly behavior meeting. They shall cause the clerk to orrect journal of all their proceedings, and, esire of any member, shall cause the ayes es to be taken on any question, and en- n the journal.

Limitation on passage of ordinances.

Sec. 763. No resolution granting
chise, and no ordinance for any purpo
passed by the board of trustees on th
introduction, nor within five days the
at any other than a regular meeting
journed regular meeting, and no suc
and no ordinance granting any franch
passed without being first submitted
attorney. No resolution or order f
ment of money shall be passed at any
a regular meeting, or an adjourned re
ing, and no resolution or order for the
money, no resolution granting a fra
no ordinance for any purpose, shall ha
idity or effect unless passed by the
vote of at least three trustees. [Am
proved March 19, 1889; Stats. 1889, p.
fect immediately.[

Sec. 764. The board of trustees o
shall have power:

1. To pass ordinances not in confl
constitution and laws of this state, or
ed States.

City real estate.

2. To purchase, lease, or receive s
tate and personal property as may b
or proper for municipal purposes, and
dispose of, and convey the same for
of the city; provided, that they shall n
power to sell or convey any portion o
front; but may rent such water front
not exceeding ten years for the purpo
ing bath-houses thereon.

Light and water.

3. To contract for supplying the ci
ter and electric or other lights for mu
poses; to purchase, lease, or construct
and electric plant, and all machinery
and appliances necessary therefor, an
said city with, and to sell to the inhab
of, water, light, heat, and power; pr
in all cases where the estimated tot
price of the waterworks or electric pla
be purchased, constructed, or lease

l machinery, appliances, and appurtenances
ry therefor, shall not exceed the sum of
usand dollars; no such purchase or lease
e made unless the question of acquiring
roperty is submitted to the voters of such
the same manner as other propositions, at
al or special municipal election, and a ma-
f the electors, voting at such election, shall
favor of such proposition.

highways.

o establish, build, and repair bridges; to
h, lay out, alter, keep open, open, improve,
air streets, sidewalks, alleys, squares, and
ublic highways and places within the city,
drain, sprinkle, and light the same: to re-
ll obstructions therefrom; to establish the
thereof; to grade, pave, macadamize, grav-
curb the same in whole or in part, and to
ct gutters, culverts, sidewalks, and cross-
therein, or upon any part thereof; to cause
lanted, set out, and cultivated shade trees
; and generally to manage and control all
ghways and places.

o establish, construct, and maintain drains
wers.

tinguishment.

o provide fire engines and all other neces-
proper apparatus for the prevention and
ishment of fires.

.

o impose on and collect from every male
ant between the ages of twenty-one and
ears an annual street poll tax, not exceed-
dollars, and no other road poll tax shall
ected within the limits of such city; pro-
that any member of the volunteer fire com-
such city shall be exempt from such tax.

.

o impose and collect an annual license, not
ng two dollars, on every dog owned or har-
within the limits of the city.

y tax.

levy and collect, annually, a property tax,
shall be apportioned as follows: For the

general fund, not exceeding sixty c
one hundred dollars; for street fund
ing thirty cents on each one hundre
school fund, not exceeding twenty c
one hundred dollars; for sewer fund
ing ten cents on each one hundred
levy for all purposes for any one yea
poses to which such funds are applic
exceed one dollar on each one hundr
the assessed value of all real and p
erty within such city.

Liquor tax.

10. To license, for purposes of re
revenue, all and every kind of busin
the sale of intoxicating liquors, auth
and transacted or carried on in such
shows, exhibitions, and lawful gam
therein; to fix the rates of license up
and to provide for the collection of
suit or otherwise.

River improvement.

11. To improve the rivers and str
through such city, or adjoining the
en, straighten, and deepen the chan
and remove obstructions therefrom
the water front of the city, and to
maintain embankments and other w
tect such city from overflow.

Municipal buildings.

12. To erect and maintain build
nicipal purposes.

Tracks and pipes.

13. To permit under such restric
may deem proper, the laying of ra
and running of cars drawn by horses
tricity, or other power thereon, and
gas or water pipes in the public st
construct and maintain, and to per
struction and maintenance of, tele
phone, and electric light lines there

Ward division.

14. In its discretion to divide the
nance, into a convenient number o
exceeding five, to fix the boundaries
to change the same from time to ti

hange in the boundaries of any ward
nade within sixty days next before the
id general municipal election, nor with-
months after the same shall have been
d or altered. Whenever such city shall
ided into wards the board of trustees
gnate by ordinance the number of trus-
e elected from each ward, apportioning
in proportion to the population of such
d thereafter the trustees so designated
elected by the qualified electors resident
ard, or by the general vote of the whole
ay be designated in such ordinance.

.
appoint and remove such policemen and
r subordinate officers as they may deem
nd to fix their duties and compensation.
of ordinances.
impose fines, penalties and forfeitures
nd all violation of ordinances, and for
h or violation of any ordinance to fix the
y fine or imprisonment, or both, but no
shall exceed three hundred dollars, nor
of such imprisonment exceed three

bor.
cause all persons imprisoned for viola-
ny ordinance to labor on the streets, or
perty, or works within the city.

s.
establish the fire limits with proper reg-

s.
do and perform any and all other acts
s necessary and proper to carry out the
s of this chapter, and to exact and en-
in the limits of such city all other local,
nitary, and other regulations as do not
ith general laws. [Amendment approved
. 1897; Stats. 1897, chap. cxxxvi. In ef-
diately.]

clause.
. The enacting clause of all ordinances
s follows: "The board of trustees of the

city of —— do ordain as follows.' nance shall be signed by the preside of trustees, attested by the clerk, at least once in a newspaper pub city, or printed and posted in at lea places therein. It shall not be ne action, civil or criminal, to plead organization or existence of such c the passage, existence, or validity nance thereof; and courts shall take zance thereof without proof. [A proved March 19, 1889; Stats. 1889, fect immediately.]

Board to audit demands.

Sec. 766. All demands against su as otherwise by law provided, sha to and audited by the board of trus ance with such regulations as they nance prescribe; and upon the all such demand, the president of th draw a warrant upon the treasure which warrant will be countersigne and shall specify for what purpo drawn, and out of what fund it [Amendment approved March 19 1889, p. 389. In effect immediatel

Indebtedness not to exceed money

Sec. 767. The board of trustees s audit, allow, or permit to accrue a bility in excess of the available mon ury that may be legally apportio priated for such purposes, except provided by law for incurring ind vided, that any city during the first istence under this act may incur ness or liability as may be necessa ing in all the income and revenue for such year; nor shall any warra evidence of indebtedness be issue be at the time sufficient money i legally applicable to the payment o cept as hereinbefore provided. [A proved March 19, 1889; Stats. 1889, fect immediately.]

of excess decided at an election.
8. If at any time the board of trustees
m it necessary to incur any indebtedness
of the money in the treasury applicable
rposes for which such indebtedness is to
red, they shall give notice of a special
by the qualified electors of the city, to be
etermine whether such indebtedness shall
ed. Such notice shall specify the amount
edness proposed to be incurred; the
or purposes if the question of indebted-
more than one purpose be proposed of the
d the amount of money necessary to be
nnually by taxation for an interest and
fund as hereinafter provided; provided,
interest shall not be in excess of seven
per annum. Such notice shall be publish-
least two weeks in some newspaper pub-
such city, and no other question or mat-
be submitted to the electors at such elec-
upon the canvass of the votes cast at
tion, it appears that not less than two
all the qualified electors voting at such
hall have voted in favor of incurring such
ness, it shall be the duty of the board of
to pass an ordinance providing for the
creating such indebtedness and of paying
; and in such ordinance provision shall be
the levy and collection of an annual tax
the real and personal property subject to
within such city, sufficient to pay the in-
such indebtedness as it falls due; and
onstitute a sinking fund for the payment
rincipal thereof within a period of not
n twenty years from the time of contract-
e same. It shall be the duty of the board
es, in each year thereafter, at the time at
xes are levied, to levy a tax sufficient for
rposes in addition to the taxes by this
authorized to be levied. Such tax when
shall be kept in the treasury as a separ-
, or funds, in case indebtedness be in-
r different purposes, to be inviolably ap-
d to the payment of the principal and in-
f such indebtedness. [Amendment ap-

proved March 19, 1889; Stats. 1889,
fect immediately.]

At the same session there was a
ment of section 768, as follows:

Incurring of indebtedness to be dec
tion.

Sec. 768. If at any time the bo
shall deem it necessary to incur an
in excess of the money in the trea
to the purposes for which such
to be incurred, they shall give not
election by the qualified electors of
held to determine whether such ind
be incurred. Such notice shall spec
of indebtedness proposed to be inc
pose or purposes (if the question o
for more than one purpose be pr
same, and the amount of money r
raised annually by taxation for a
sinking fund for each purpose, as
vided. Such notice shall be publis
two weeks in some newspaper pub
culated in such city; and no other q
ter shall be submitted to the electo
tion. If, upon a canvass of the vot
election, it appears that not less t
of all the qualified electors voting a
or if more than one proposition is
ing on such proposition, shall have
of incurring such indebtedness, it sh
of the board of trustees to pass an
viding for the work of creating suc
and of paying the same; and in
provision shall be made for the levy
of an annual tax upon all the rea
property subject to taxation within
ficient to pay the interest on such i
it falls due; and also to constitute
for the payment of the principal th
period of not more than twenty y
time of contracting the same. It sh
of the board of trustees in each y
at the time at which other taxes are
a tax sufficient for such purposes
the taxes by this chapter authorize

. when collected, shall be kept in the as a separate fund, or funded if indebt- incurred for different purposes, to be in- appropriated to the payment of the prin- interest of such indebtedness. [Amend- roved March 19, 1889; Stats. 1889 ,p. 397. immediately.]

nent.

. The violation of any ordinance of such be deemed a misdemeanor, and may be d in the name of the people of the state nia. Any person sentenced to imprison- the violation of any ordinance may be d in the city jail, or, if the board of trus- by ordinance so prescribe, in the county e county in which such city may be situ- which case the expense of such imprison- ll be a charge in favor of such county ach city. [Amendment approved March Stats. 1889, p. 389. In effect immediate-

.

). Every act or thing done or being e limits of such city, which is or may be by law or by any ordinance of such city uisance, shall be and is hereby declared nuisance, and shall be considered and s such in all actions and proceedings and all remedies which are or may be law for the prevention and abatement of shall apply thereto.

ssessed on fronting property.

. The board of trustees are hereby au- and empowered to order any work au- by this chapter to be done upon the venues, highways, and public places of The cost and expense incurred there- be paid as follows, to wit: the expense or proving and repairing streets, sidewalks, uares, and other public highways and hin the city, removing obstructions there- ding, paving, macadamizing, graveling, ng the same, and constructing gutters, and sidewalks therein, shall be assessed lots and lands fronting thereon, each lot

or portion of a lot being separately
the full debt thereof in proportion t
upon the property to be benefited, su
er the total expense of the work to th
street on which it fronts; provided, t
of trustees may expend from the ge
said purposes a sum not exceeding
dollars on any one street in any one
pense of all improvements in the spa
the junction of two or more streets,
main street terminates in or crosses
street, and also all necessary stree
crossways at corners or intersection
the expense of establishing, building,
bridges in such city, shall be paid
The expense incurred in making
sewers in any streets shall be paid,
the owner of the lands on one side
one-fourth by the owner of the land
side of said streets, and one-half b
of the sewer fund. In all the street
the water-front of such city, or boun
side by the property thereof, the ex
done on that portion of said streets,
ter line thereof to the said water-fr
property of the city bounded ther
paid for by such city; but no con
such work shall be given, except to
sponsible bidder, and in the mann
provided. When any work or impro
tioned in this section is done or ma
of the center line of said streets, av
lic highways, the lots or portions o
on that side only shall be assessed t
penses of said work, according to
of this chapter. Whenever any ex
of work shall have been assessed
the amount of said expenses shall
upon said lands, which shall take pr
other liens, and which may be for
cordance with the provisions of the
Procedure. Said suit shall be in th
city of (naming it), as plaintiff. Upo
a complaint in the superior court to
of any kind hereon, the plaintiff sh
if a recovery is had or the money

costs the sum of twenty-five dollars as
fees.

way.

2. Whenever it shall become necessary
y to take or damage private property for
se of establishing, laying out, extending,
ning streets and other public highways
s within the city, or for the purpose of
way for drains, sewers, and aqueducts,
he purpose of widening, straightening, or
the channels of streams, and the im-
ts of water-fronts, and the board of trus-
ot agree with the owner thereof as to the
e paid, the trustees may direct proceed-
taken under section twelve hundred and
en, and following sections, to and includ-
n twelve hundred and sixty-three of the
Civil Procedure, to procure the same.

levy.

. The board of trustees shall have the
d it shall be their duty, to provide by or-
system for the assessment, levy, and col-
all city taxes not inconsistent with the
of this chapter, which system shall con-
nearly as the circumstances of the case
it, to the provisions of the laws of this
eference to assessment, levy, and collec-
ate and county taxes, except as to the
uch assessment, levy, and collection, and
to the officers by whom such duties are
formed. All taxes shall be collected by
nal or treasurer, as may be determined
ard of trustees by ordinance. All taxes
together with any percentage imposed for
cy and the costs of collection, shall con-
ns on the property assessed; every tax
personal property shall be a lien upon the
rty of the owner thereof. The liens pro-
in this section shall attach as of the first
n March in each year, and may be en-
a sale of the real property affected, and
tion and delivery of all necessary certifi-
deeds therefor, under such regulations
e prescribed by ordinance, or by action

in any court of competent jurisdicti
such liens; provided, that any pro
such taxes shall be subject to rede
the time and in the manner and u
provided or that may hereafter be p
for the redemption of property sold f
All deeds made upon any sale of
taxes or special assessments under
of this chapter shall have the same
fect in evidence as is or may hereaf
by law for deeds for property sol
ment of state taxes. [Amendn
March 19, 1889; Stats. 1889, p. 389.
mediately.]

Equalization.

Sec. 774. The board of trustees
their usual place of holding meetin
ond Monday of August of each year
in the forenoon of said day, and si
equalization, and shall continue i
day to day until all the returns c
have been rectified. They shall
hear complaints, and to correct, m
out any assessment made by the
may, of their own motion, raise a
upon notice to the party whose asse
raised. The corrected list for eac
the assessment roll for said tax fo
shall be certified by the city clerk,
as clerk of the board of equalizatio
assessment roll for said tax, and s
sessment roll upon which such tax
in said year.

Construction of act.

Sec. 775. Nothing in this chapter
be construed to prevent any city ha
indebtedness, contracted under l
passed, from levying and collecting
the payment of such indebtedness,
est thereon, as are provided for in
addition to the taxes herein autho
ied and collected; nor to prevent
levying and collecting the tax aut
act entitled "An act to establish fr

d reading-rooms," approved April twenty-
ighteen hundred and eighty, in addition to
es herein authorized to be levied and col-
All moneys received from licenses, street
and from fines, penalties, and forfeitures,
paid into the general fund.

front fund.

76. The board of trustees may also levy,
se to be collected in each year, in addition
taxes herein authorized to be levied and
d, a tax, not exceeding ten cents on each
ndred dollars of the assessed value of all
d personal property within such city sub-
taxation, the proceeds of which tax shall
vn as the "river and water-front improve-
nd," and shall be applied to the improve-
streams, bays, and water-fronts, and the
of embankments and other works to pro-
city from overflow, and for no other pur-
hatever.

work to be contracted for.

77. In the erection, improvement, and re-
ll public buildings and works, in all street
wer work, and in all work in or about
bays, or water-fronts, or in or about em-
nts, or other works for protection against
, and in furnishing any supplies or mate-
the same, when the expenditure required
same exceeds the sum of one hundred dol-
same shall be done by contract, and shall
the lowest responsible bidder, after notice
ication in a newspaper of general circu-
rinted and published in such city, for at
o weeks, or if ther e be no news-
rinted or published therein, by printing
ing the same in at least four public places
or the same period. Such notice shall dis-
and specifically state the work contem-
o be done: provided, that the board of
may reject all bids presented, and read-
in their discretion. The board of trustees
nually, at a stated time, contract for doing
printing and advertising, which contract
let to the lowest bidder, after notice, as

provided in this section, and the con
shall be awarded separately from a
ing. [Amendment approved March 1
1891, p. 54.]

Powers of president.

Sec. 778. The president of the boa
shall preside over all meetings of
which he is present. In his absen
pro tem. may be chosen. The presid
absence the president pro tem., shal
rants drawn on the city treasure
otherwise provided by said board,
written contracts entered into by sai
president or president pro tem. The
power of the president pro tem. shall
during the day on which he is chos
dent and president pro tem. shall
administer oaths and affirmations,
davits and certify the same unde
The president or president pro tem.
conveyances made by said city, and
which shall require the seal of the c
ident is authorized to acknowledge
of all instruments executed by sai
quire to be acknowledged. He sha
to administer oaths and affirmatio
any demand upon the treasury, and
relating to the duties of the board o
to witnesses examined in any inv
by said board, or by any committe
authorized to make such investigatio
dent may issue subpoenas under his
seal of such city, attested by the
compel the attendance of witnesse
board of trustees or committee the
ment approved March 19, 1889; Stat
In effect immediately.]

rticle IV.—Executive Department.

r.

6. It shall be the duty of the treasurer to and safely keep all moneys which shall to his hands as city treasurer, for all of shall give duplicate receipts, one of which filed with the city clerk. He shall pay out ney on warrants signed by the proper of- nd not otherwise, except interest coupons s. He shall make quarterly settlements city clerk. He shall collect all taxes lev- ne board of trustees, if so required by ordi- [Amendment approved March 19, 1889; 89, p. 389. In effect immediately.]

7. It shall be the duty of the assessor, be- ne first day of May and the first day of n each year, to make out a true list of all ble property within the city. The mode ng out of said list, and proceedings relat- eto, shall be in conformity with laws now regulating county assessors, except as the y be otherwise provided in this act, or by e. Said list shall describe the property and the value thereof, and shall contain matters required to be stated in such lists ty assessors. Said assessor shall verify by his oath, and shall deposit the same city clerk, on or before the first Monday st in each year. The assessor shall, dur- time, also make a list of all male persons within the limits of such city over the wenty-one years, and shall verify said list ath, and shall, on or before the first Mon- ugust in each year, deposit the same with clerk. Said assessor and his deputy shall wer to administer all oaths and affirma- cessary in the performance of his duties.

k, duties of.

8. It shall be the duty of the city clerk a full and true record of all the proceed-

ings of the board of trustees and of
equalization. The proceedings of
trustees shall be kept in a book, mar
of the Board of Trustees." The proce
board of equalization shall be kept
book, marked "Records of the Board
tion." He shall keep a book, which s
ed "City Accounts," in which shall
a credit all moneys received by th
censes, the amount of any tax whe
all other moneys received; and in w
entered upon the debtor side all cor
ducted, and all warrants drawn on
He shall also keep a book, marked "
count," in which he shall charge the
with all the tax lists, if any, delivere
all licenses delivered to him. He sh
marshal with the delinquent lists ret
He shall also keep a book, marked
Account," in which he shall keep a f
the transactions of the city with t
He shall also keep a book, marked
es," in which he shall enter all licer
by him to the marshal, and the am
He shall also keep a book, marked
nances," into which he shall copy
nances, with his certificate annexed
stating the foregoing ordinance is a
rect copy of an ordinance of such cit
the number and title of said ordinar
ing that the same has been published
cording to law. Said record copy, w
tificate, or the original ordinance, sh
facie evidence of the contents of t
and of the due passage and public
same, and shall be admissible as s
in any court or proceeding. Said rec
be filed in any case, but shall be re
custody of the city clerk. Nothing
tained shall be construed to prevent
the passage and publication of ordi
usual way. Each of the foregoing
the records of the board of t
the board of equalization, shall
eral index, sufficiently comprehen
able a person readily to ascertain

herein. The city clerk shall also keep marked "Demands and Warrants," in e shall note every demand against the file the same. He shall state therein, e note of the demands, the final disposi- e of the same; and if the same is allowed arrant is drawn, he shall also state the f the warrant, with sufficient dates. This ll contain an index, in which reference made to each demand. Upon the comple- he assessment roll for any of the taxes y, and levying of the tax thereon, the city ll apportion the taxes upon such assess- and shall deliver it to the officer charged duty of collecting taxes. It shall not be to make a duplicate assessment roll. He oint a deputy, for whose acts he and his shall be responsible; and he and his all have power to administer oaths and ns, to take affidavits and depositions to n any court or proceeding in the state, rtify the same. He and his deputy shall necessary affidavits to demands against nd certify the same without charge. He he custodian of the seal of such city. He ke a quarterly statement, in writing, he receipts and expenditures of the city eceding quarter, and the amount remain- treasury. He shall, at the end of every r, make a full and detailed statement of ts and expenditures of the preceding a full statement of the financial condi- e affairs of the city, which shall be pub- e shall perform such other services as nd the ordinances of the board of trus- require. [Amendment approved March Stats. 1889, p. 389. In effect immedi-

ney.

It shall be the duty of the city attor- vise the city authorities and officers in atters pertaining to the business of said o render such other services in the line fession as may be required of him by of trustees. [Amendment approved Laws—73.

March 19, 1889; Stats. 1889, p. 389. mediately.]

Police department under control of

Sec. 790. The department of poli shall be under the direction and con marshal, and for the suppression of lic tumult, disturbance of the peace against the laws or public authorit ful exercise of their functions, he powers that are now or may hereaft upon sheriffs by the laws of the st in all respects, be entitled to the sa and his lawful orders shall be pro by deputies, police-officers, and wa city, and every citizen shall also when required, for the arrest of maintenance of public order. He hereby authorized to execute and re issued and directed to him by any l It shall be his duty to prosecute corder all breaches or violations of ance with any city ordinance which his knowledge. He shall collect all the board of trustees, except as is h He shall, at the expiration of any the city treasurer all taxes and othe city collected by him during said shall, upon payment of the money treasurer an affidavit, stating that paid is all the taxes or funds that ed or received during the precedin shall, upon the receipt of any tax li ceipt for the same to the city cl upon depositing with the city clerk tax list, take his receipt therefor. E from the clerk all city licenses a same. He shall have charge of the prisoners, and of any chain-gang t tablished by the board of trustees. service of any process, receive the constables. He may appoint, subj proval of the board of trustees, one ties, for whose acts he and his b be responsible, whose only compen

the service of process which shall be the
those allowed to the city marshal. He
o, with the concurrence of the president
oard of trustees, when the same may be
deemed necessary for the preservation of
rder, appoint additional policemen, who
charge the duties assigned them for one
y. He shall perform such other services
act and the ordinances of the board of
shall require, and shall receive such com-
n from the city as shall be fixed by ordi-
addition to such mileage and fees as he
eive in the service of process of the courts
tate, other than the recorder's court of
y, which mileage and fees shall be the
is allowed by law to constables in the
n which such city is situated. [Amend-
proved March 23, 1893; Stats. 1893, p. 299.]
fix compensation.
01. The board of trustees shall, by ordi-
ot inconsistent with the provisions of this
prescribe the additional duties of all of-
nd fix their compensation.

Article V.—School Department.

istrict.
95. From and after the organization of
such cities, the same shall constitute a sep-
hool district, which shall be governed by
d of education of such city; provided the
supervisors may include more territory
school district than that included in such
in that case such outside territory shall
ed a part of such city for the purpose of
the general municipal election and shall
ection precinct by itself and its qualified
shall vote only for the board of education,
outside territory shall be deemed to be
said city for all matters connected with
ol department, and the annual levying and
g of the property tax for the school fund.

[Amendment approved March 10, 18
p. 28.]

Vacancy in board.

Sec. 796. In case a vacancy sha
office of school director, the boar
shall choose a person to fill such
shall serve until the next election
term does not then expire, a person
ed to serve for the remainder of
term.

Meetings.

Sec. 797. The board of educatio
the second Tuesday after such ge
election, and choose one of its me
dent, and shall appoint a secretary,
at the pleasure of said board. Th
ings of said board shall thereafter
as once in each month, in the pla
the board of trustees, and the ti
such meetings shall be fixed by th
cation. Special meetings of said
held when called by written notic
president, or three of its members
personally to each of its members
have signed the same. Three me
stitute a quorum, and no business
acted by said board of education w
currence of three of its members;
of the members present at any m
journ from time to time. All m
board of education shall be public
ords of its proceedings shall be ke
tary of said board of education. T
the board of education shall recei
sation for their services as sc
[Amendment approved March 7, 18
p. 114.]

Powers of board.

Sec. 798. The board of educa
power:

1. To establish and maintain
kindergarten, grammar, and eveni
to subdivide the school districts.
alter the boundaries of such subdi

employ and dismiss a superintendent of teachers, janitors, truant officers, and ensus marshals, and to fix, alter, allow, r paid their salaries or compensations, and y and pay such mechanics and laborers as necessary to carry into effect the powers onferred.

make, establish, and enforce all necessary r rules and regulations, not in conflict with s of this state, for the government and ment of public schools within such city, hers thereof, and the pupils therein, and ying into effect the laws relating to educa-

provide for the school department of such l and lights, water, printing, and station- to incur such other incidental expenses as deemed necessary by said board.

build, alter, repair, rent, and provide uses, and to furnish the same with prop- furniture, apparatus, and appliances, and any and all school property.

purchase, receive, lease, and hold in fee, for such city, any and all real estate and property that may have been acquired, ereafter be acquired, for the use and ben- e schools of such city; provided, that no te shall be bought, sold, or exchanged, nor enditure incurred for the construction of ool-houses, without the approval of the trustees; and provided further, that the of any such sale or exchange of real es- l be exclusively applied to the purchase lots for the erection of school-houses.

grade, fence, and improve all school lots.

determine annually the amount of money for the support of the public schools, and ing into effect all the provisions of law in thereto; and in pursuance of this provi- board of education shall, at least ten ore the meeting of the board of trustees the annual city taxes are levied, submit g to the board of trustees a careful esti-

mate of the whole amount of money
from the state and county, and of
be required from such city for th
tioned purposes: and the amount s
required from the city shall, by the
tees, be added to the above amounts
and collected for city purposes, and
ed, the proceeds thereof shall be im
into the school fund of such city, to
only upon the order of the board of
vided, that such annual tax shall no
ty-five cents on each one hundred
assessed valuation of the real and
erty within such city.

9. To establish regulations for
equal disbursement of all moneys be
school fund.

10. To discharge all legal incum
ing at the time of the incorporation
or thereafter, on any school proper
city.

11. To admit non-resident chil
sons over twenty-one years of age,
departments of the schools of such
payment monthly, in advance, of su
as said board may establish.

12. To prohibit any children und
age from attending the public scho

13. To establish and regulate
schools in such city, and the course
the mode of instruction to be pursue
determine what text-books shall be

14. To do and perform, in additi
going powers, such other acts as
sary or proper to carry into effect th
by conferred. [Amendment adopt
1899, stats. 1899, ch. 83.]

Sec. 799. The board of education
be sued by their name of office. In
judicial proceeding against said bo
process upon the president, or upon
the members of the board shall b

e court jurisdiction to hear and determine
ne.

er custodian of moneys.

00. All moneys received by the treasurer
ounty wherein such city may be situated,
unt of the school fund of such city, or the
listrict consisting of the same, and all sums
into the county treasury, which may be
ned to said city or district, shall be paid
reasurer of such city, by the treasurer of
nty, as soon as received, or as soon as the
nment shall be made, when apportionment
sary, upon the order of the board of edu-

ls.

01. The president of the board of educa-
ll have power to administer oaths and
ions concerning any demand upon the
, payable out of the school fund, and in
r matters relating to the duties of the
f education, and to witnesses examined
nvestigation had by such board of educa-
by a committee thereof, duly appointed
r that purpose.

t may compel witnesses.

02. Said president may issue subpoenas
is hand and the seal of such city, attested
ity clerk, to compel the attendance of wit-
efore such board of education, or commit-
eof, who shall be entitled to the same fees
esses in civil cases, and who may be pun-
r contempt for non-attendance, or refusal
vorn, or to answer, by the superior court
ounty in which such city may be situated.

ts.

03. Every claim payable out of the school
all be filed with the secretary of the board
tion, and after it shall have been approved
oard a certificate of such approval shall be
thereon, signed by the president and sec-
and a warrant upon the school fund shall
d thereon for the payment of such claim;
varrant shall be signed by the president

of such board, and countersigned by
and shall specify for what purpose
drawn.

Duties of secretary.

Sec. 804. The secretary shall report
annually, and at such other times as
quire, all matters pertaining to the
come, condition, and progress of the
of said city during the preceding ye
recommendations as he may deem
shall observe, and cause to be ob
general rules and regulations for th
of and instruction in the schools, no
with the laws of the state, as may b
by the board of education. He sha
sessions of the board, and inform
session of the condition of the pu
school-houses, school funds, and othe
nected therewith, and recommend s
as he may deem necessary for the
of education in the city, and shall
other duties as may be required o
board. He shall receive as compen
services, payable out of the school fu
as the board of education from time
allow.

Fund shall not be diverted.

Sec. 805. The entire revenue der
city from the state school fund a
school tax shall be applied by said
cation exclusively to the support of
grammar schools.

Article VI.—Judicial Department.

r's court.
06. A recorder's court is hereby establish-
ch city, to be held by the recorder of such
id recorder's court shall have jurisdiction,
ently with the justice's courts, of all ac-
id proceedings, civil and criminal, arising
he corporate limits of such city, and which
e tried in such justice's court; and shall
clusive jurisdiction of all actions for the
y of any fine, penalty, or forfeiture pre-
for the breach of any ordinance of such
all actions founded upon any obligations
ity created by any ordinance, and of all
ions for any violation of any ordinance.
es of practice and mode of proceeding in
order's court shall be the same as are or
prescribed by law for justices' courts in
es; and appeals may be taken to the supe-
rt of the county in which such city may
ted, from all judgments of said recorder's
n like manner and with like effect as in
appeals from justices' courts.

of recorder as judge.
07. The recorder shall be judge of the re-
court, and shall have the powers and per-
duties of a magistrate. He may adminis-
certify oaths and affirmations, and take
tify acknowledgments. He shall be en-
charge and receive for his services such
are or may be allowed by law to justices
eace for like services, except that for his
in criminal prosecution for violation of
es he shall be entitled to receive only
nthly salary as the board of trustees shall
inance prescribe; which compensation,
ce fixed, shall not be altered within two

r, when disqualified as judge.
08. In all cases in which the recorder is
or in which he is interested, or when he
d to either party by consanguinity or

affinity within the third degree, or
disqualified, or in case of sickness
to act, the recorder may call in a j
peace residing in the city, to act in
stead; or if there be no justice of
siding in the city, or if all those so
likewise disqualified, then he may
justice of the peace residing in t
which such city is situated.

Article VII.—Miscellaneous Pro

Collection of moneys.

Sec. 810. Every officer collecting
any moneys belonging to or for the
city shall settle for the same with the
first Monday in each month, and imm
the same into the treasury, on the
clerk, for the benefit of the funds t
moneys respectively belong.

No officer to be interested in contrac

Sec. 811. No officer of such city s
ested, directly or indirectly, in any
such city, or with any of the office
their official capacity, or in doing any
nishing any supplies for the use of su
officers in their official capacity; an
for compensation for work done, or
materials furnished, in which any s
interested, shall be void, and if au
lowed shall not be paid by the tre
willful violation of the provisions o
shall be a ground for removal fro
shall be deemed a misdemeanor, and
such.

Nuisances.

Sec. 812. Every act or thing don
within the limits of such city, which
declared by law or by any ordinance
to be a nuisance, shall be and is he
to be a nuisance, and shall be co
treated as such in all actions and
whatever; and all remedies which a

y law for the prevention and abatement of
es shall apply thereto.

partments.

313. Fire departments in cities of the fifth
hall consist of volunteer companies of fire-
ganized into engine, hose, or hook and lad-
npanies. Such fire department, and such
npanies shall elect their own officers; pro-
that in the election of any person as chief
such fire department, his election shall be
th certified by the secretary of said depart-
the board of trustees of such city, and by
at their next regular meeting, confirmed,
h chief shall give a bond to the chairman
oard of trustees of such city, in the sum of
usand dollars; and the chief of every fire
nent must inquire into the cause of every
urring in the city, and keep a record there-
shall have exclusive control of the work-
the fire department in time of conflagra-
fire. He must aid in the enforcement of
ordinances duly enacted, examine build-
process of erection, report violation of or-
s relating to the prevention and extin-
ent of fires when directed by the proper
ties, and institute proceedings therefor,
ll have general control, management, and
n of the fire companies, hose, hook and
companies, and engine, and fire depart-
f such city, and shall perform such other
as may be by the ordinances of said city,
aw, imposed upon him. His compensation,
hall not be less than ten dollars per month,
e fixed and paid by the board of city
. [New section approved March 27. 1897;
897, chap. cxxii.]

CHAPTER VII.

MUNICIPAL CORPORATIONS OF CLASS.

(A charter for cities and towns hav
tion of not exceeding 3,0

For an act to enable municipal c
the sixth class to elect officers, see s
ing this.

Article I.—General Powe

Sixth class.

Sec. 850. Every municipal corpo
sixth class shall be entitled the cit
—— (naming it), and by such na
perpetual succession, may sue and
courts and places, and in all proc
ever; shall have and use a common
at the pleasure of the city or tow
and may purchase, lease, receive, h
real and personal property, and co
pose of the same for the common

Article II.—General Provisions Relat

Officers.

Sec. 851. The government of suc
shall be vested in a board of trust
of five members; a clerk, who sha
assessor; a treasurer; a marshal, w
officio tax and license collector; a
appointed by the board of trustees,
ordinate officers as are hereinafter
[Amendment approved March 27, 18
p. 266.]

Election and tenure of office.

Sec. 852. The members of the bo
and the clerk, treasurer, and mar

the qualified electors of said city or general municipal election to be held the second Monday in April in each ered year. The clerk, treasurer, and hall hold office for the period of two and after the Monday next succeeding f such election, and until their succes- elected and qualified. Members of the rustees shall hold office for the period ears from and after the Monday next the day of such election, and until essors are elected and qualified; provi- he first board of trustees elected under ons of this act shall, at their first meet- assify themselves by lot as that three umber shall go out of office at the of two years and two at the expira- r years. The board of trustees may, in etion, appoint an attorney, a pound- superintendent of streets, a civil engi- such police and other subordinate offi- their judgment may be deemed neces- fix their compensation, which said ll hold office during the pleasure of said

nds.

The clerk, treasurer, and marshal ectively, before entering upon the duties espective offices, each execute a bond ty or town in such penal sum as the trustees by ordinance may determine, d for the faithful performance of his luding in the same bond the duties of of which he is made by this chapter ncumbent; such bonds shall be ap- the board of trustees. All bonds, when shall be filed with the clerk, except of the clerk, which shall be filed with ent of the board of trustees. All the of any law of this state relating to the nds of officers shall apply to such bonds, herein otherwise provided. Every officer ty. before entering upon the duties of shall take and file with the clerk the nal oath of office.

Vacancies, how filled.

Sec. 854. Any vacancy occurring
offices provided for in this act sha
appointment by the board of truste
office be elective, such appointee sl
only until the next regular electio
time a person shall be elected to se
mainder of such unexpired term. I
ber of the board of trustees is ab
city for the period of ninety days,
mission of the board of trustees, his
the board be declared vacant, and
as in case of other vacancies.

Compensation.

Sec. 855. The members of the bo
shall receive no compensation w
clerk, treasurer, marshal, and reco
erally receive, at stated times, a
to be fixed by ordinance by the boa
which compensation shall not be i
minished after their election, or du
eral terms of office. Nothing her
shall be construed to prevent the bo
from fixing such several amounts o
in the first instance, during the te
any such officer, or after his elect
pensation of all other officers shall
time to time by the boards of trust

Election provisions.

Sec. 856. All elections in such cit
be held in accordance with the g
laws of the state, so far as the sam
applicable; and no person shall be
at such election unless he shall
elector of the county, enrolled upon
ister thereof, and shall have reside
for at least thirty days next prece
tion. The board of trustees shall g
of each election as may be presc
nance, shall appoint boards of el
their compensation, and establish
cincts and polling-places, and ma
same. At any municipal election t
great register of the county shall
any elector whose name is not upo
register shall be entitled to vote

g with the board of election a certificate,
e hand and official seal of the county
owing that his name is registered and un-
upon the great register of such county;
, that he is otherwise entitled to vote.
y to office.
7. No person shall be eligible to or hold
e in said city, whether filled by election
ntment, unless he be a resident and
therein, and shall have resided in such
one year next preceding the date of such
or appointment.

rticle III.—Legislative Department.

trustees.
8. The board of trustees shall meet on
lay next succeeding the date of said gen-
nicipal election, shall take the oath of
all choose one of their number president,
l hold regular meetings at least once in
nth, at such times as they shall fix by
e. Special meetings may be called at any
the president of the board, or by three
by written notice delivered to each mem-
east three hours before the time specified
proposed meeting. All meetings of the
trustees shall be held within the corpor-
s of the city, at such place as may be
ed by ordinance, and shall be public.

9. At any meeting of the board of trust-
ajority of the trustees shall constitute
n for the transaction of business, but a
ber may adjourn from time to time, and
pel the attendance of absent members in
nner and under such penalties as may be
d by ordinance. The president of the board
side at all meetings of the board, and in
is absence the board may appoint a presi-
tem.; and in case of the absence of the
e president or president pro tem. shall
ne of the members of the board clerk pro

Rules.

Sec. 860. The board of trustees
the qualifications of its members
tion returns, and determine contes
all city officers. They may establi
conduct of their proceedings,
member or other person for diso
at any meeting. They shall caus
keep a correct journal of all the
and at the desire of any member
ayes and noes to be taken on an
entered on the journal.

Franchises and resolutions to pay

Sec. 861. No ordinance, and
granting any franchise for any pu
passed by the board of trustees on
introduction, nor within five days
at any other than a regular
resolution or order for the payr
shall be passed at any other time
lar meeting. And no such ordina
or order shall have any validity
passed by the votes of at least th

Powers.

Sec. 862. The board of trustees
shall have power:

Ordinances.

1. To pass ordinances not in co
constitution and laws of this state
States.

Real estate.

2. To purchase, lease, or receive
and personal property as may b
proper for municipal purposes, and
pose of, and convey the same for th
city or town; provided, they shall
to sell or convey any portion of an

Water.

3. To contract for supplying the
with water for municipal purposes,
construct, repair, and manage pun
reservoirs, or other works necessar
supplying water for the use of suc
habitants, or for irrigating purpose

ys.
establish, build, and repair bridges; to
, lay out, alter, keep open, improve, and
treets, sidewalks, alleys, squares, and
blic highways and places within the city
and to drain, sprinkle, and light the
remove all obstructions therefrom: to
the grades thereof; to grade, pave, mac-
gravel, and curb the same, in whole or
and to construct gutters, culverts, side-
nd crosswalks therein, or on any part
to cause to be planted, set out, and culti-
ade trees therein; and generally to man-
control all such highways and places.

construct, establish, and maintain drains
ers.
nguishment.
provide fire engines and all other neces-
proper apparatus for the prevention and
hment of fires.

impose on and collect from every male
t, between the ages of twenty-one and
rs, an annual street-poll tax, not exceed-
dollars; and no other road poll tax shall
ted within the limits of the city.

mpose and collect an annual license not
two dollars on every male dog and four
n every female dog owned or harbored
e limits of the city.
tax.
evy and collect annually a property tax
all not exceed seventy-five cents on each
red dollars.

license, for the purpose of revenue and
n, all and every kind of business author-
aw and transacted and carried on in such
own, and all shows, exhibitions, and law-
s carried on therein; to fix the rates of
x upon the same, and to provide for the
of the same by suit or otherwise; pro-
at any license taxes collected under a

city ordinance shall be collected by
town marshal, and paid into the ci
treasury for the use of the city or to
it is collected.

Water-front improvement.

11. To improve the rivers and stre
through such city, or adjoining th
widen, straighten, and deepen t
thereof, and remove obstructions th
improve the waterfront of the city;
and maintain embankments and oth
protect such city from overflow, and
own, construct, maintain, and opera
lands bordering on any navigable ba
river, creek, slough, or arm of the se
corporate limits of such city, or cont
to, wharves, chutes, piers, breakw
houses, and life-saving stations.

Public buildings.

12. To erect and maintain building
pal purposes.

Tracks and pipes.

13. To acquire, own, construct, m
operate street railways, telephone a
lines, gas and other works for light a
lic libraries, museums, gymnasiums
baths; and to permit, under such re
they may deem proper, the laying
tracks, and the running of cars draw
steam, or other power thereon, and
gas and water pipes in the public st
permit the construction and mainten
graph and telephone lines therein.

Violation of ordinances.

14. To impose fines, penalties, an
for any and all violations of ordinan
any breach or violation of any ordi
the penalty by fine or imprisonment,
no such fine shall exceed three hun
nor the term of imprisonment e
months.

Prison labor.

15. To cause all persons imprisone
tion of any ordinance to labor on th
other public property or works with

acts.
o do and perform any and all other acts
ings necessary or proper to carry out the
ons of this chapter. [Amendment ap-
March 18, 1897; Stats. 1897, chap. cxv.
et immediately.]
g clause.
63. The enacting clause of all ordinances
e as follows: "The board of trustees of
(or town) of —— do ordain as follows."
ordinance shall be signed by the president
oard of trustees, attested by the clerk, and
ed at least once in a newspaper published
city or town, or printed and posted in at
ree public places therein.
ls.
64. All demands against such city or
hall be presented to and audited by the
f trustees, in accordance with such regu-
as they may by ordinance prescribe; and
e allowance of any such demand, the presi-
the board shall draw a warrant upon the
er for the same, which warrant shall be
signed by the clerk, and shall specify for
urpose the same is drawn, and out of what
is to be paid.
edness not to exceed available funds.
65. The board of trustees shall not create,
llow, or permit to accrue, any debt or lia-
n excess of the available money in the
y that may be legally apportioned and ap-
ted for such purposes; provided, that any
town during the first year of its existence
his act may incur such indebtedness or lia-
s may be necessary, not exceeding in all
ome and revenue provided for it in such
er shall any warrant be drawn, or evi-
of indebtedness be issued, unless there be
time sufficient money in the treasury legal-
licable to the payment of the same, except
einafter provided.
ing excess decided by vote.
66. If at any time the board of trustees
eem it necessary to incur any indebtedness
ess of the money in the treasury applicable

to the purpose for which such indeb
be incurred, they shall give notice
election by the qualified electors o
town, to be held to determine whe
debtedness shall be incurred. Such
specify the amount of indebtedness
be incurred, the purpose or purposes
and the amount of money necessary
annually, by taxation, for an interes
fund, as hereinafter provided. Such
be published for at least two weeks i
paper published in such city or town;
question or matter shall be submitte
tors at such election. If upon a ca
votes cast at such election it appears
than two-thirds of all the qualified e
at such election shall have voted in
curring such indebtedness, it shall b
the board of trustees to pass an ordi
ing for the mode of creating such
and of paying the same; and in su
provision shall be made for the levy
of an annual tax upon all the real
property subject to taxation within
town, sufficient to pay the interest on
edness as it falls due; and also to
sinking fund for the payment of
thereof, within a period of not more
years from the time of contracting
shall be the duty of the board of tru
year thereafter. at the time at whic
are levied, to levy a tax sufficient
pose, in addition to the taxes by thi
thorized to be levied. Such tax, wh
shall be kept in the treasury as a s
to be inviolably appropriated to the
the principal and interest of such in

Incarceration.

Sec. 867. The violation of any
such city or town shall be deemed a
and may be prosecuted by the autho
city or town in the name of the peopl
of California, or may be redressed by
at the option of said authorities. An
tenced to imprisonment for the vio

nce may be imprisoned in the jail for such
town; or if the board of trustees by ordi-
shall so prescribe, in the county jail of the
in which such city or town may be situ-
n which case the expense of such imprison-
shall be a charge in favor of such county
ainst such city or town.

ices.

868. Every act or thing done or being
the limits of such city or town, which is
y be declared by law or by any ordinance
city or town to be a nuisance, shall be and
by declared to be a nuisance, and shall be
ered and treated as such in all actions and
dings whatever; and all remedies which are
y be given by law for the prevention and
ent of nuisances shall apply thereto.

street-work assessed on fronting property.

869. The board of trustees are hereby au-
d and empowered to order any work
ized by this chapter to be done upon the
avenues, highways, and public places of
ty or town. The cost and expense incurred
r shall be paid as follows, to wit: The ex-
or cost of improving and repairing streets,
lks, alleys, squares, and other public high-
nd places within the city or town, remov-
structions therefrom, grading, paving, mac-
ing, graveling, and curbing the same, and
ucting gutters, culverts, and sidewalks
, shall be assessed upon the lots and lands
g thereon, each lot or portion of a lot being
ely assessed for the full depth thereof in
ion to the benefits upon the property to be
ed, sufficient to cover the total expense of
rk to the center of the street on which it
provided, that the board of trustees may
from the general fund for said purposes a
hich in their judgment may be necessary.
pense of all improvements in the space
by the junction of two or more streets, or
one main street terminates in or crosses
r main street, and also all necessary street
gs, or crossways at corners or intersection
ets, and the expense of establishing, build-

ing, and repairing bridges in such
shall be paid by such city or town.
incurred in making and repairing s
street shall be paid, one fourth by
the lands on one side of said street,
the owner of the land on the other
street, and one-half by the city or to
sewer fund. In all the streets con
water-front of such city or town, o
the one side by the property thereof
of work done on that portion of said
the center line thereof to the said w
to such property of the city or t
thereon, shall be paid for by such
but no contract for any such work s
except to the lowest responsible bidd
manner hereinafter provided. When
improvements mentioned in this se
or made on one side of the center
streets, avenues, or public highway
portions of lots fronting on that side
assessed to cover the expenses of s
cording to the provisions of this ch
ever any expenses or costs of wor
been assessed on any lands, the am
expenses shall become a lien upon
which shall take precedence of all ot
which may be foreclosed in accorda
provisions of the Code of Civil Proc
suit shall be in the name of such ci
plaintiff. Upon the filing of a com
superior court to enforce a lien of a
on, the plaintiff shall be entitled,
is had or the money is paid, to inc
the sum of twenty-five dollars as att

Right of way.

Sec. 870. Whenever it shall beco
for the city or town to take or da
property for the purpose of establi
out, extending, and widening street
public highways and places within
town, or for the purpose of rights
drains, sewers, and aqueducts, and
pose of widening, straightening, or
channels of streams and the imp
water-fronts, and the board of tru

with the owner thereof as to the price to be
he trustees may direct proceedings to be
under section twelve hundred and thirty-
and following sections, to and including
twelve hundred and sixty-three of the
Civil Procedure, to procure the same.

f taxes.

871. The board of trustees shall have
and it shall be their duty, to provide by
ice a system for the assessment, levy, and
on of all city or town taxes not inconsist-
th the provisions of this chapter, which
shall conform as nearly as the circum-
of the case may permit to the provisions
aws of this state in reference to the assess-
levy, and collection of state and county
except as to the times for such assessment,
and collection, and except as to the
by whom such duties are to be performed.
es assessed, together with any percentage
for delinquency, and the costs of collec-
hall constitute liens on the property as-
from and after the first Monday in March
year; which liens may be enforced by a
ry sale of such property; and the execution
elivery of all necessary certificates and
herefor, under such regulations as may be
ped by ordinance, or by actions in any
f competent jurisdiction to foreclose such
rovided, that any property sold for such
hall be subject to redemption within the
nd in the manner provided, or that may
er be provided by law for the redemption
erty sold for state or county taxes. All
nade upon any sale of property for taxes or
assessments, under the provisions of this
, shall have the same force and effect in
e as is or may hereafter be provided by
deeds for property sold for non-payment
e or county taxes.

ation.

872. The board of trustees shall meet at
sual place of holding meetings on the sec-
nday of August of each year, at ten o'clock
forenoon of said day, and sit as a board of

equalization, and shall continue in
day to day until all the returns of
have been rectified. They shall ha
hear complaints, and to correct, mo
out any assessment made by the
may, of their own motion, raise an
upon notice to the party whose ass
be raised. The corrected list for eac
the assessment roll for said tax for
shall be certified by the clerk, who
clerk of the board of equalization,
assessment roll for said tax, and
assessment roll upon which such
levied in said year.

Construction of act.

Sec. 873. Nothing in this chap
shall be construed to prevent any
having a bonded indebtedness, con
laws heretofore passed, from levyin
ing such taxes for the payment of s
ness, and the interest thereon, as ar
in such laws, in addition to the tax
thorized to be levied and collected
received from licenses, street poll-t
fines, penalties, and forfeitures, shal
the general fund.

Public work to be done by contract.

Sec. 874. In the erection, improve
pair of all public buildings and
street and sewer work, and in all
about streams, bays, or water-fro
about embankments, or other work
tion against overflow, and in furnis
plies or materials for the same, wh
diture required for the same exceed
one hundred dollars, the same shal
contract, and shall be let to the lowe
bidder, after notice by publication in
of general circulation, printed and
such city or town, for at least two
there be no newspaper printed or pu
in, by printing and posting the sam
four public places therein for the
such notice shall distinctly and spe
the work contemplated to be done;

d of trustees may reject any and all bids
l and readvertise, in their discretion. The
trustees shall annually, at a stated time,
for doing all city printing and advertis-
h contract shall be let to the lowest bid-
er notice, as provided in this section.
nent approved March 9, 1897; Stats. 1897,
xvii.]

e of warrants and contracts.

5. The president of the board of trustees
side over all meetings of the board at
is present. In his absence a president
may be chosen. The president, and in
ce the president pro tem., shall sign all
drawn on the treasurer, and shall sign
n contracts entered into by said city or
such president or president pro tem.
ority and power of the president pro tem.
tinue only during the day on which he is
The president and president pro tem.
e power to administer oaths and affirma-
d take affidavits and testify the same
eir hands. The president or president
shall sign all conveyances made by said
wn, and all instruments which shall re-
seal of the city or town. The president
ized to acknowledge the execution of all
nts executed by said city or town, that
be acknowledged.

rticle IV.—Executive Department.

r.

3. It shall be the duty of the treasurer
and safely keep all moneys which shall
his hands as treasurer, for all of which
ive duplicate receipts, one of which shall
with the clerk. He shall pay out said
warrants signed by the president and
gned by the clerk, and not otherwise. He
ke quarterly settlements with the clerk.
ompensation he shall be allowed one per
ll moneys received and paid by him as
surer. He may credit himself with such

per cent in his settlements with the
each quarterly settlement, he shall
ment of his account with the clerk.

Assessor.

Sec. 877. It shall be the duty of
between the first day of May and th
August in each year, to make out a t
the taxable property within the city
mode of making out of said list, an
relating thereto, shall be in conformi
now in force regulating county asse
as the same may be otherwise pro
act, or by ordinance. Said list shall
property assessed, and the value ther
contain all other matters required to
such lists by county assessors. Said
verify said list by his oath, and sha
same with the clerk on or before the
of August of each year. The assess
ing said time, also make a list of all
residing within the limits of the
over the age of twenty-one years, an
said list by his oath, and shall, on
first Monday of August in each yea
same with the clerk. Said asses
deputy shall have power to adminis
and affirmations necessary in the pe
his duty.

Clerk.

Sec. 878. It shall be the duty of
keep a full, true record of all the p
the board of trustees and of the boa
zation. The proceedings of the boa
shall be kept in a book, marked "R
board of trustees." The proceedings
of equalization shall be kept in a s
marked "Records of the board of
He shall keep a book, which shall
"City or town accounts," in which
tered as a credit all moneys receive
or town for licenses, the amount of
levied, and all other moneys when
in which shall be entered upon the d
commissions deducted and all warra
the treasury. He shall also keep a

hal's account," in which he shall charge the
al with all the tax lists delivered to him,
ll licenses delivered to him. He shall credit
arshal with the delinquent lists returned by
nd with his commission for collecting. He
also keep a book, marked "Treasurer's ac-
" in which he shall keep a full account of
ansactions of the city or town with the
rer. He shall also keep a book, marked
nses," in which he shall enter all licenses
by him, the date thereof, to whom issued,
hat, the time when it expires, and the
t paid. He shall also keep a book, marked
ney's account," and shall therein charge
ttorney with all delinquent tax lists deliv-
o him, and shall credit him with money paid
elinquent tax lists returned. He shall keep
. marked "Ordinances," into which he shall
ll city or town ordinances, with his certifi-
nnexed to said copy stating the foregoing
nce is a true and correct copy of an ordi-
of the city or town, and giving the number
tle of said ordinance, and stating that the
has been published or posted according to
Said record copy, with said certificate, shall
ma facie evidence of the contents of the
nce and of the passage and publication of
me, and shall be admissible as such evi-
in any court or proceeding. Such records
not be filed in any case, but shall be re-
to the custody of the clerk. Nothing here-
tained shall be construed to prevent the
of the passage and publication of ordinances
usual way. Each of the foregoing books,
the records of the board of trustees and
ard of equalization, shall have a general in-
fficiently comprehensive to enable a person
to ascertain matters contained therein.
erk shall also keep a book, marked "De-
and warrants," in which he shall note
demand against the city or town, and file
me. He shall state therein, under the note
demands, the final disposition made of the
and if the same is allowed, and a warrant
he shall also state the number of the war-
with sufficient dates. This book shall con-

tain an index, in which reference s
each demand. Upon the completio
ment roll of any of the taxes of th
and the levying of the tax thereon,
apportion the taxes upon such
and make out and deliver to the
list in the usual form, taking his
He may appoint a deputy, for wh
his bondsmen shall be responsible;
deputy shall have power to admi
affirmations, to take affidavits and
be used in any court or proceedi
and to certify the same. He
shall take all necessary affidavits
against the city or town, and ce
without charge. He shall be the c
seal of the city or town. He shall
erly statement in writing, showin
and expenditures of the city or to
ceding quarter, and the amount re
treasury. He shall at the end of e
make a full and detailed statement
and expenditures of the preceding
statement of the financial conditio
of the city or town, which shall be
shall perform such other services
the ordinances of the board of tr
quire.

Attorney.

Sec. 879. It shall be the duty of
advise the city or town authorities
all legal matters pertaining to t
said city or town. He shall receive
list and receipt therefor; he is auth
suit in the name of the city or tow
court, for the collection of any ta
ceive for collecting taxes such p
amount collected as may be provi
nance, which said per cent shall
the delinquent tax-payers as prov
nance. In case a suit shall be bro
perior court upon a tax upon rea
such real estate for the purpose
tax and costs, he shall be allowed
the said per cent., twenty-five dolla

, to be taxed as costs in such suit, and not aid to said attorney unless collected of the nt in such suit. Said attorney shall re- ch other compensation as may be allowed board of trustees.

L.

80. The department of police of said city shall be under the direction and control marshal; and for the suppression of any blic tumult, disturbance of the peace, or ce against the laws or public authorities awful exercise of their functions, he shall e powers that are now or may hereafter be d upon sheriffs by the laws of the state, ll in all respects be entitled to the same on; and his lawful orders shall be prompt- ted by deputies, police officers, and watch- said city or town, and every citizen shall l him aid, when required, for the arrest of s and maintenance of public order. He d is hereby authorized to, execute and re- process issued and directed to him by any thority. It shall be his duty to prosecute he recorder all breaches or violations of or pliance with any ordinance which shall his knowledge. He shall collect all taxes y the board of trustees, except as is herein L. He shall, at the expiration of any pay to the treasurer all taxes and other said city or town collected by him during nth. He shall, upon payment of the mon- with the treasurer an affidavit, stating that ey so paid is all the taxes or funds that he ected or received during the preceding He shall, upon the receipt of any tax e his receipt for the same to the clerk, and pon depositing with the clerk the delin- ax list, take his receipt therefor. He shall from the clerk all licenses, and collect the He shall have charge of the prison and rs, and of any chain gang which may be hed by the board of trustees. He shall for of any process receive the same fees as les. He may appoint, subject to the ap- of the board of trustees, one or more depu-

ties, for whose acts he and his bon
responsible, whose only compens
fees for the service of process, whi
same as those allowed to the mar
also, with the concurrence of the p
board of trustees, when the same m
deemed necessary for the preserva
order, appoint additional policemen,
charge the duties assigned them fo
He shall perform such other servi
and the ordinances of the board of
require, and shall receive such co
shall be fixed by ordinance.

Compensation fixed by board.

Sec. 881. The board of trustees
nances not inconsistent with the pr
chapter, prescribe the additional d
ficers, and fix their compensation.

Article V.—Judicial Depar

Recorder's court.

Sec. 882. A recorder's court is he
ed in such city or town, to be held
er of such city or town. Said r
shall have jurisdiction, concurrently
tice's courts, of all actions and pr
and criminal, arising within the c
of such city or town, and which mi
such justice's court; and shall have
isdiction of all actions for the recov
penalty, or forfeiture prescribed for
any ordinance of such city or town
founded upon any obligation or li
by any ordinance, and of all prosec
violation of any ordinance. The ru
and mode of proceeding in said r
shall be the same as are or may be
law for justices' courts in like case
may be taken to the superior court
in which such city or town may be
all judgment of said recorder's cour
ner and with like effect as in cas
from justices' courts.

of recorder as judge.
883. The recorder shall be judge of the re-
s court, and shall have the powers and per-
ne duties of a magistrate. He may admin-
nd certify oaths and affirmations, and take
rtify acknowledgments. He shall be en-
o charge and receive for his services such
are or may be allowed by law to justices
peace for like services, except that for his
s in criminal prosecution for violation of or-
es he shall be entitled to receive only such
the board of trustees shall by ordinance
be.
er disqualified as judge in certain cases.
884. In all cases in which the recorder is
y, or in which he is interested, or when
elated to either party by consanguinity or
within the third degree, or is otherwise
ified, or in case of sickness or inability to
recorder may call in a justice of the peace
in the city or town to act in his place and
or if there be no justice of the peace resid-
the city or town, or if all those so residing
wise disqualified, then he may call in any
of the peace residing in the county in which
ty or town may be situated.

rticle VI.—Miscellaneous Provisions.

on of moneys.
885. Every officer collecting or receiving
neys belonging to or for the use of such
town shall settle for the same with the
the first Monday in each month, and im-
ly pay the same into the treasury, on the
f the clerk, for the benefit of the funds to
such moneys respectively belong.
er to be interested in any public contract.
886. No officer of such city or town shall
rested, directly or indirectly, in any con-
ith such city or town, or with any of the
thereof in their official capacity, or in doing
rk or furnishing any supplies for the use

of such city or town, or its officers in
capacity; and any claim for compe
work done, or supplies or materials
which any such officer is interested,
and if audited and allowed shall no
the treasurer. Any willful violation
ions of this section shall be a ground
from office, and shall be deemed a
and punished as such. [See Statutes
ments, 1883, 93.]

An Act entitled "An Act to enable
porations of the sixth class to elec
[Approved March 14, 1885; Stats.

Petition for appointment of commissi
tion.

Section 1. Whenever a corporatio
class shall have failed, from any c
officers in accordance with its chart
are no officers to carry on the city g
call an election for officers, in any
zens of such corporation may prese
to the governor for the appointment
missioners of election. Such petitic
forth: 1. The name of the corporati
and how organized; 2. When the la
officers took place, and whether an
cers are performing their duties, an
long since they ceased to perform
3. The provision of the charter as to
tions of voters; 4. That the perso
petition possess the qualifications pr
charter for voters, and that each o
is a householder and freeholder in
tion. The petition shall be signed by
seventy-five persons possessing all
tions mentioned in the body of the
shall be verified by at least two c
that, of their own knowledge, the p
and that all the signers possess all
tions set forth in the petition. Up
tation of the petition to the gove
either act upon the petition or req
evidence of the matters set forth i

eing satisfied of the truth of the matters
h in the petition, the governor is author-
l empowered to appoint three persons as
ioners of election for such corporation.
ommission shall be known and styled
of election commissioners for" (here give
corporation).
ment of commissioners.
The governor shall cause a commission
sued to the commissioners, and the issu-
such commission shall be conclusive evi-
the regularity of all the proceedings to
luding the appointment of such commis-
Within ten days after their appointment,
missioners shall take the oath of office be-
ne judge or clerk, which oath shall be
upon the commission, and a copy filed in
e of the secretary of state, and shall or-
y the election of a president and secre-
m their own members. The board shall
be kept minutes of all their proceedings,
ninutes shall be signed at the close of
eting by the president and secretary.
of commissioners.
The board of election commissioners
ve power: 1. By an order entered in their
to call an election for such officers as are
in the charter of such corporation to be
only by the voters in said corporation.
lers shall specify the names of the offices
ed, and, when any office is to be filled by
ion in any ward or subdivision of said
ion, the order shall so state, and the date
r the election. Previous to the election,
rd shall appoint officers of election, and
places of holding the election, as required
harter of such corporation. The board
ise notice of such election to be published
r more newspapers published in said cor-
; or if none be published therein, then by
notices, for at least twenty days before
ction. Such election shall be conducted
red by the charter of said corporation for
ion of officers, except that it shall not be
y to use printed registers, but should any
challenged on the ground that his name
appear on the great register of the coun-

ty, it shall be sufficient for him
oath, that he believes his name
register, and if no other evidenc
board of election shall accept
true.

Election returns.

Sec. 4. The boards of election
turn of the election as required i
cept that the returns shall be re
ered to the board of election com
officers voted for at such electio
ence to whether any of such off
for in the whole, or only a ward
the corporation, and no officer of
sue a certificate of election.

Canvassing returns.

Sec. 5. Within five days after
board of election commissioners
canvass said returns and declar
were elected. Said board shall
certificates of election to the per
to be elected; such certificate shal
the commissioners, and shall be
dence of the regularity of all the
in said election and by said
against any suit or proceeding t
menced to oust from office any
holding a certificate.

Officer qualifying.

Sec. 6. Within ten days after
certificates, the officers shall be
ter upon the discharge of their
ance with the charter. If any
said election shall fail to take the
enter upon the discharge of the
time above specified, then the o
shall have been elected shall be de
be vacant, the same as if he had
ed. At the first meeting of the l
ment of the corporation after
board of election commissioners
said legislative department all b
in their possession, relating to th
tion commissioners, and said le
ment shall cause the same to
clerk, and shall cause the comm
the governor to said commission

aid commissioners, and notice of the elec-
e entered in the book of minutes of said
e department, and such entries, when so
all be evidence of all the matters therein
nd as conclusive evidence as the original.
elections.

Whenever the officers elected at such
and the officers authorized by the char-
elected or appointed by the legislative or
department of said corporation, shall
lified and entered upon the discharge of
es, then said corporation shall be deemed
to be fully organized and in operation,
election had been held at the time and in
cts in the manner required by the char-

n as to organization.

Whenever the government of the cor-
is in full operation, as set forth in sec-
n, the legislative department shall cause
lon to be entered in their minutes declar-
same; and such resolution shall be con-
vidence of the same, except as against a
tion or proceeding to set aside or annul
ernment.

This act shall take effect from and after
ge.

o provide for the disincorporation of mu-
ipal corporations of the sixth class.

pproved March 26, 1895; Stats. 1895, chap.
cxxv.]

ple of the State of California, represented
nate and Assembly, do enact as follows:

1. A municipal corporation of the sixth
y disincorporate after proceedings had as
in this Act. The council, the board of
or other legislative body of such corpo-
hall, upon receiving a petition therefor,
y not less than half of the qualified elect-
of, as shown by the vote cast at the last
l election held therein, submit to the
of such corporation the question whether
nicipal corporation shall disincorporate.
estion shall be submitted at a special
to be held for that purpose, and such

legislative body shall give notice
lication in a newspaper printed
such corporation, or if there is no
lished in said corporation, then in
per published in the county in wh
ration is situated, for a period of t
to such election. Said notice shal
question of disincorporating said
be submitted to the legal voters
the time appointed for such electio
tors shall be invited thereby to
proposition by placing upon their b
as provided by law, after the wo
corporation," or "Against disincor
legislative body shall also designat
the place or places at which th
open in said municipal corporation
appoint and designate in such no
of the officers of election. The vo
tion shall be taken, canvassed, a
the same manner as in other mun
Such legislative body shall meet
next succeeding the day of such el
ceed to canvass the votes cast th
found by the canvass of said vote
two thirds of the votes cast were in
corporation, such legislative bod
the petition for disincorporation d
case no new election shall be held
of disincorporating the corporati
said petition and vote until after t
two years from date of the electi
case it shall appear from said ca
thirds of all the votes cast were in
corporation, said legislative bod
their hands, make and file in their
to be entered upon their record of
order that the petition for such dis
granted, and declaring that such
disincorporated; said order to tak
time hereinafter provided.

Said legislative body shall, in ca
tion is so disincorporated, forthw
clerk, or other officer performing
clerk, by an order entered in th
make and transmit to the secreta
board of supervisors of the count

tion is situated, a certified copy and ab-
of the notice of election hereinbefore pro-
or, the whole number of electors voting for
sincorporation, and the number of electors
against said disincorporation. Thirty days
ad after the holding of the election, in case
rds of the said votes were cast in favor of
sincorporation, said municipal corporation
e forever disincorporated. Said legislative
hall forthwith, after ascertaining by said
that said disincorporation has been car-
etermine the amount of the indebtedness
municipal corporation, the amount of
in the treasury thereof, and the amount of
levy made by said corporation unpaid or
, and all other indebtedness due or com-
to said corporation, and within thirty
om the date of said election shall transmit
ied statement of said amount to the board
rvisors of the county in which said mu-
corporation is situated; and the treasurer
corporation shall before the expiration of
rty days, turn over to the treasurer of said
all moneys of said municipal corporation
possession, and said county treasurer shall
aid moneys in a special fund, to be drawn
hereinafter provided for. Upon the dis-
ation of said municipal corporation, every
fficer of said corporation shall immediate-
over to the board of supervisors of the
in which said corporation is situated, all
roperty of every nature and description in
ssession; provided, however, that all court
of the recorder's court of the said munici-
poration shall be retained by said recorder
ce of the peace of the township, and as
stice of the peace he shall have authority
ute and complete all unfinished business
on the same. Nothing contained in this
ll be held to relieve said municipal corpo-
or the territory included within it, from
ility for any debt contracted by such mu-
corporation prior to its disincorporation.
rants for said indebtedness shall be drawn
oard of supervisors of the county in which

said municipal corporation is situat
hereinabove provided for in the c
If, at the time of said disincorporat
have been levied by said municip
and remains uncollected, it shall
the tax collector of the county in
nicipal corporation was situated to
when due, and pay the same i
treasury. All property upon which
tax has been levied and the same
linquent, either before or after th
disincorporation, and all property s
levied by said municipal corporati
deemed by any party interested, h
to the county treasurer, upon th
the auditor, of the money that w
necessary to redeem such property
not disincorporated. All moneys
county treasury under the provisi
shall be placed to the credit of t
hereinabove provided for. If, at an
disincorporation of such municipal
should be found that there is not s
in the treasury to the credit of th
above provided for, with which to
edness of said municipal corporat
of supervisors of said county shall
er, and it shall be their duty to l
shall be collected from the territo
cluded within said municipal corpo
taxes sufficient in amount to pay the
ness, of said municipal corporatio
shall become due; such tax or tax
and collection shall be made in the
and at the same time that other
county are levied and collected, a
additional tax upon the property i
said territory for the payment of sa
ter payment of the debts of said m
ration, there shall remain any surpl
of said county treasurer to the cre
hereinbefore mentioned, the money
shall be transferred to the school f
tricts or district covered by said m
ration. [Amendment approved
Stats. 1899, ch. 17.

Sec. 2. The board of supervisors
in which any such municipal corpor
disincorporated, shall have the pow

ir duty, if the board of trustees or other leg-
e body of such corporation shall fail or re-
o return to said board of supervisors the
ent of said amounts as hereinbefore in this
ovided, to ascertain the indebtedness of said
pal corporation at the time of its disincor-
on, and the amount of money in its treas-
nd the amount due to it at the said time.
oard of supervisors shall make provision
e collection of the amounts due to said mu-
l corporation, and for the closing up of its
, and any act or acts necessary for such pur-
nd not otherwise herein provided for, shall,
he order of said board of supervisors direct-
e same, be as fully done and performed by
ficer or officers performing similar duties
e said county, and with as full effect as
same had been performed by the proper
of said municipal corporation, before
orporation, and said county shall succeed
l possess all the rights of said munici-
rporation in and to said indebtedness, and
ave power to sue for or otherwise collect
ch debts, in the name of the county. All
and expense of ascertaining the facts here-
re mentioned, and all other costs and ex-
incurred by the board of supervisors in the
ion of the powers and duties of said board
ervisors, provided for in this act, shall be
ut of the special fund in said county treas-
reinbefore in this act provided for. All pro-
s of this act relating to the settlement of a
ipal corporation after disincorporation shall
plicable to the winding up of the affairs of
isincorporated municipality whether disin-
ated before or after the passage of this act.
dment approved Feb. 17, 1899; Stats. 1899,
17.]

3. This act shall take effect and be in force
and after its passage.

t to provide for the reorganization of munici-
l corporations and for determining the popu-
ion thereof.

[Stats. 1899, chap. 62.]

act related to cities of the sixth class:

t to provide for the ownership of property
l the winding up of the affairs of municipal

corporations disincorporated und
ions of an act of the legislature
of California, entitled "An act
the disincorporation of municipa
of the sixth class," approved Ma
when two-thirds or more in value
property within the former limit
be included within the boundarie
sequently incorporated city or t
[Approved February 18, 1899; Stat
xviii.]

An Act to authorize and direct the
thorities of the several cities and
towns of this state to execute ce
relation to the town lands gran
corporated cities and towns in
the act of congress entitled "An
lief of the inhabitants of cities
on the public lands," approved
eighteen hundred and sixty-seven
[Approved March 24, 1868; 186

This act was amended by act of
Stats. 1871-2, p. 237.

An Act amendatory of and supple
act entitled "An act to authorize
county judges of the several co
state to execute certain trusts
the town lands granted to the
towns in this state by the act o
titled 'An act for the relief of t
of cities and towns upon the pub
proved March second, eighteen
sixty-seven," approved March
teen hundred and sixty-eight.
[Approved March 12, 1885; 18

The original act is in the statute of

Judges to enter land at land-office.

Section 1. Section one of said a
so as to read as follows:

Section 1. It shall be the duty
persons who may be acting as a supe
judge of the superior court of any
state to enter at the proper lan
United States such quantity of land
ants of any unincorporated town, s
county of such superior judge, may

in the aggregate, according to their popu-
in the manner required by the laws of the
l States, and the regulations prescribed by
cretary of the interior of the United States,
make and sign all necessary declaratory
ents, certificates, and affidavits, or other in-
nts requisite to carry into effect the inten-
of this act, and the intention of the act of
ss of the United States entitled "An act
e relief of the inhabitants of cities and
upon the public lands, approved March sec-
ighteen hundred and sixty-seven," and to
proof, when required, of the facts necessary
ablish the claim of such inhabitants to the
so granted by said act of congress.

ite of expenses.

2. Section two of said act is amended so as
l as follows:

ion 2. The superior judge of any county in
ate, whenever he shall be so requested by a
n signed by not less than five residents,
holders in any unincorporated town, whose
appear upon the assessment roll for the
preceding such application—which petition
set forth the existence, name, and locality
h town; whether such town is situated on
ed or unsurveyed lands, and if on surveyed
the quarter sections or lesser subdivision
d thereby shall be stated; the estimated
er of its inhabitants; the number of separ-
ts or parcels of land within such town site,
e amount of land to which they are entitled
said act of congress—shall estimate the cost
ering such land, and of the survey and re-
g of the same, and shall indorse such esti-
upon said petition; and upon receiving from
the parties interested the amount of money
oned in such estimate, the said superior
may, if he shall deem it necessary, cause an
eration of the inhabitants of such town to
de by some competent person, who shall be
ated for that purpose by such superior judge;
uch enumeration shall be returned by the
so making the same, exhibiting therein
of all the heads of families and occupants
, lands, or premises within such town site,

alphabetically arranged, verified
the superior judge of the county.

Survey of lands.

Sec. 3. Section three of said act
as to read as follows:

Section 3. The said superior ju
upon cause a survey to be made, t
tent person, of the lands which the
said town may be entitled to claim
act of congress, located accordin
subdivision of the sections and by t
of the United States, and the sam
tinctly marked by suitable monume
veys shall further particularly desig
roads, lanes, and alleys, public squ
school lots, cemeteries, and commo
exist, and have been heretofore de
manner to public use; and by me
precise boundaries and area of eac
or parcel of land and premises c
person, corporation, or associatio
town site, shall be designated on
ing the name or names of the pos
pant, and claimant, if other than t
each particular lot and parcel of la
of any disputed claim as to lots, l
or boundaries, the said surveyor,
demanded by any person, shall des
(in different color from the body
such part of any premises so disp
adversely. A plat thereof shall b
licate, on a scale of not less than
one inch, which shall be duly certi
by the surveyor, one of which sha
the county recorder of the count
town is situated, one shall be dep
superior judge, and one shall be de
justice of the peace resident in or
town. These plats shall be consid
ords, shall each be accompanied wi
field-notes, and the county record
a record thereof in a book to be k
that purpose. The said surveyor sh
blocks, as divided by the roads and
at the time of making such survey,
ber the several lots consecutively

ther parcels of land within said town site as herein provided, which said numbers a sufficient description of any parcel of aid plat when mentioned by reference to n plat; and such plats, field-notes, and and certified copies thereof, shall be cie evidence of the contents and correct- eof in all the courts of this state.

be given.

Section four of said act is hereby amend- to read as follows:

4. Before proceeding to make such sur- least ten days' notice shall be given by ior judge, by posting within the limits of n site not less than five written or printed f the time when such survey shall com- nd by publication thereof in a newspaper l in such town, if one there be. The sur- aid town lands shall be made to the best e, and at the least expense to the hold- claimants thereof; and the said superior hereby authorized to receive bids for such g, and to let the same by contract to the mpetent bidder.

d to public use.

Section five of said act is hereby amend- to read as follows:

5. All streets, roads, lanes, and alleys, uares, cemeteries, and commons, survey- ed, and platted, on the map of any town prescribed and directed by the provisions ct, shall be deemed and considered, and hereby declared to be, dedicated to pub- y the filing of such town plat in the office unty recorder, and shall be inalienable, y special order of the board of supervis- e county, so long as such town shall re- incorporated; and if such town shall at hereafter become incorporated, then the ll become the property of such town or shall be under the care and subject to the f the board of trustees, or other munici- rity of such town or city.

nt on land.

Section six of said act is hereby amend- to read as follows:

Section 6. Each lot or parcel of s
ing thereon valuable improvements,
ordinarily used as dwellings or for
poses, not exceeding one tenth of one
shall be rated and assessed by the
judge at the sum of one dollar; each
of such lands exceeding one tenth an
ing one eighth of one acre in area
and assessed at the sum of one do
cents; each lot or parcel of such la
in area one eighth of one acre and
one quarter of an acre in area shall
assessed at the sum of two dollars;
and parcel of such lands exceeding
of an acre and not exceeding one ha
in area shall be rated and assessed
two dollars and one half; and each
of land so improved exceeding one h
area shall be assessed at the rate
and one half for each half an acre,
part over half an acre; and every lo
land inclosed, which may not be
proved, or uninclosed, claimed by
corporation, or association, shall be
sessed at the rate of two dollars per
tional part over an acre; and where,
cel of land, there shall be two or
buildings, occupied or used ordina
ings, or for business purposes, each
for the purposes of this section, sh
ered as standing on a separate lot
the whole of such premises may b
one deed; which moneys so assessed
in gold and silver coin of the Unite
shall constitute a fund from which
bursed or paid the moneys necessa
government of the United States
lands, and interest thereon, if such
have been loaned or advanced for th
expenses of their location, entry,
and the costs and expenses attend
making of such survey and recordin

Surplus.

Sec. 7. Section seven of said a
amended so as to read as follows:

Section 7. Any sum of money re

g all the necessary expenses of location, rveying, platting, and recording of lands, expenses of the superior judge hereinafter d, shall be deposited in the county treas- he credit of the fund of each particular d shall be kept separate by the county r, to be paid out by him only on the writ- r of such superior judge, until after the n of the time for a final settlement of rs of such town lands, as hereinafter pro- which time any and all balances of mon- emaining to the credit of each town shall ferred by such county treasurer to the und of the particular school district in id town shall be situated.

s to be made by claimants of lots.

Section eight of said act is hereby so as to read as follows:

8. Every person, corporation, or associa- imant of any town lot or parcel of land he limits of such town site, shall present perior judge, within six months after the ll have been filed in the office of the coun- der, his, her, or their affidavit, verified in or by duly authorized agent, or attorney, n shall be concisely stated the facts con- the possession or right of possession of nant, and that the claimant is entitled to session thereof as against all other per- the best of his knowledge and belief, to hall be attached a copy of so much of the said town site as will fully exhibit the ar lot or parcel of land so claimed, with ttals; and every such claimant, at the time such affidavit, shall pay to such superior uch sum of money as such judge shall certify to be due for the assessment men- n section six of this act, together with the sum of five dollars, in the gold or silver the United States, to be appropriated to ment of the expenses incurred in carrying provisions of this act; and the superior hall thereupon give to such claimant a cer- containing a description of the lot or parcel claimed, and setting forth the amounts ereon by such claimant. The superior

judge shall procure a bound book
his county, wherein he shall mak
of the substantial matters contain
certificate issued by him, number
consecutive order, setting forth t
claimant or claimants in full, da
description of lot or lots claimed.

Assessment insufficient to pay ex

Sec. 9. Section nine of said act i
ed so as to read as follows:

Section 9. If it shall be found t
hereinbefore specified as assessme
costs and expenses shall prove t
to cover and defray all the necessa
superior judge shall be and he is h
ed to estimate the deficiency, and
deficiency pro rata upon all the
of lands in such town, and to decl
on the basis set down in section
which additional amount, if any,
the claimant at the time when the
inbefore mentioned, or at the time
of conveyance hereinafter provide
sued.

When deeds to be delivered—
claims.

Sec. 10. Section ten of said act i
ed so as to read as follows:

Section 10. At the expiration of
ter the issuance of the certificate
preceding section, if there shall h
verse claim filed in the mean time
shall make, execute, acknowledge
each claimant, or to his, her, or
ministrators, or assigns, a good an
of the premises described in the a
claimant originally filed. No con
such lands, made as in this act pr
deemed to conclude the rights o
but such third persons may have
the premises to determine alleged
lands against such grantee, his h
to which they may deem themselv
er in law or equity; provided that
recovery of the possession of su
any portion thereof, shall be ma

against the grantee named therein. or his, her, or their assigns, unless such ac- all be commenced within two years after eeds shall have been filed for record in the f the county recorder of the county where nds are situated; and provided, that noth- rein shall be construed to extend the time tation prescribed by law for the commence- f actions upon a possessory claim or title to tate when such action is barred by law at ne of the passage of this act; provided fur- hat whenever mining claims shall have been and held bona fide for mining purposes. ining rights, according to the metes and of so located and claimed, shall not in any r be affected by the provisions of this act, ll any sale be made, nor any title be con- by reason of any sale or pretended sale of nds so claimed for mining purposes until he occupancy of such mining claims shall een abandoned by the holders thereof.

e claims—Action for possession.

11. Section eleven of said act is amended o read as follows:

on 11. In all cases of adverse claims, or es arising out of conflicting claims to lands ndary lines, the adverse claimants may sub- e decision thereof to the superior judge by reement in writing, specifying particularly bject matter in dispute, and may agree that ision shall be final; in which case the said may hear the proofs and shall execute a n accordance therewith; but in all other f adverse claim, the party out of possession ommence his action in a court of competent ction within six months after the filing of wn plat in the office of the county recorder. e such action be commenced, the plaintiff erve a notice, lis pendens, upon the superior who shall thereupon stay all proceedings in tter of granting any certificate or deed until al decision of such suit; and upon presenta- f a certified copy of the final decree of such in such action, the superior judge shall exe- nd deliver a deed of such premises in ac- ce with the decree. In case no such action

be commenced within the time h
the superior judge shall deliver
party in possession, as provided
this act.

Notice of filing of plat.

Sec. 12. Section twelve of said
so as to read as follows:

Section 12. The superior judge
lic notice, by advertisement for
some newspaper published in th
there be, and if there be no news
in said county, then by not less t
or printed notices posted within t
town site, that the plat thereof
the recorder's office; and if any
or association, or other claimants
town, shall fail, neglect, or refus
cation to the said superior judge f
veyance of the lands so claimed,
sum of money specified in this
months after the filing of said p
judge shall enter on his book the
persons, with a description of
premises, and shall certify the sa
for the amount of assessments ce
judge as due under section six of
the expiration of thirty days aft
entries, if such application be not
assessment be not paid, the said
ceed to advertise all such lots and
for sale in the same manner as
quired to be advertised under ex

Sale of delinquent land.

Sec. 13. Section thirteen of said
so as to read as follows:

Section 13. At the time of sa
said advertisement, said judge sha
all such parcels of land so remai
by public auction, to the highest
at some public place within the
town site; and he shall give to t
such sale a certificate of his pu
forth therein a description of th
the amount paid, and that the sa
redemption, as prescribed in the n
vided, that no sale shall be made

amount of assessments and the costs of the sale, which costs shall be divided pro- ong the several parcels offered for sale.

tion.

4. Section fourteen of said act is amended read as follows:

n 14. At any time within six months after le the original claimant shall be entitled to such premises, by paying to the purchaser, e superior judge for purchaser, double the mount of the purchase money, in gold and oin; but in case no redemption be made the er, his heirs or assigns, shall be entitled nd and receive from the superior judge a such premises, which deed shall be abso- against the parties delinquent, and shall he grantee, his heirs, or assigns, to a writ tance from the superior court having juris- of the premises.

ned lands.

5. Section fifteen of said act is amended read as follows:

n 15. If within six months after the giv- he public notice that the plat of any town- been filed in the recorder's office as pro- section twelve of this act, there shall re ny unoccupied, or vacant unclaimed lands, s not previously surveyed into town lots he provisions of this act, and any person erto or shall hereafter discover gold in any thereof in quantities which he may deem t to justify the profitable working thereof gment thereon to be conclusive), and has and held the same bona fide for mining s. such mining possession shall constitute referred purchaser thereof, from the judge uperior court, according to the metes and of his location thereof, within the meaning act; and he may apply to the judge of the court for a deed thereto, which applica- shall accompany with a deposit to be held judge in an amount to be estimated by icient to pay the expenses of a survey and ting thereof as herein provided for.

aid Superior Judge shall thereupon cause

a survey and plats to be made of possession, and shall cause such pla of the field notes of such survey to Recorder's office of the county in wh is situated in the manner provided in of this Act, and such filing shall h therein provided, but the provisio four of this Act shall not apply made under the provisions of this

After the filing of such plats and field notes, said judge shall sell the embraced within such mining poss bona fide possessor thereof at a pric dollar and a quarter per acre or frac thereof, and the expenses of the platting thereof; and in case two o ants apply for the same tract, or parc tract, said judge shall determine w thereto, and shall sell the same to th titled.

If any person has hitherto or shal cupy any portion of such unsurvey shall, in good faith, make improve for any purpose other than mining, to the extent of his possession the rights and privileges hereunder as for mining purposes.

And any person not in possession time, apply to such Superior Judge into lots and a platting of any suc or vacant unclaimed lands, or lands surveyed into town lots under the this Act, and upon his depositing wi an amount to be estimated by hin to defray the expenses thereof, said his discretion, cause any portion of be laid out and surveyed under his su a suitable tract or lot, or into suita lots, as such judge shall determine, serve such portions as shall be deer for public squares and school-house cause all necessary roads, streets, la to be laid out through the same, an public use; and the said judge shall, vey being completed, proceed in the vided in section three of this Act

hereof in duplicate, and such plats and a
the field notes of such survey filed and dis-
f as in said section three provided for, and
ke effect as therein given to the original
nd field notes of the survey of such town-
d the said judge shall sell the same in suit-
rcels to the applicant for such survey, or to
arties at the price hereinbefore stated, and
two or more parties apply for the same
parcel of the same tract, he shall sell the
public auction to the highest bidder upon
s' notice given by posting three notices of
le in public places in such town, but no bid
than the minimum price herein stated
received at such sale.
sale is made, said judge may, in his dis-
offer such land for sale in the same man-
ny future time.
udge shall execute to any purchaser, un-
provision of this section, all necessary
f conveyance, and such deeds shall be
acie evidence of the truthfulness of all re-
erein contained.
urplus left of the deposit, in this section
l to be made, shall be returned to the de-
thereof, after proceedings hereunder are
ed. [Amendment approved March 9, 1897;
897, ch. 90. In effect immediately.]

lots.

6. Section sixteen of said act is amended
read as follows:

6. All school lots and parcels of land re-
for school purposes, as aforesaid, by order
superior judge, shall be conveyed to the
rustees of the school district in which such
situate, without cost or charge of any
natever.

aths.

7. Section seventeen is amended so as to
follows:

7. If any person shall falsely make oath
affidavit required to be made by this act,
he shall be deemed guilty of perjury, and
nviction, shall be punished accordingly.

fraudulently obtained.

8. Section eighteen of said act is amended
o read as follows:

Sec. 18. If any guardian or a
tenant, joint tenant, tenant in co
ner, or partner in the possession
lands mentioned in this act, shall f
cure, or cause, permit, suffer, or al
be obtained therefor, for his or
or by his or her neglect allow the
by others, such deed shall be nul
shall convey no title, and an action
by any party injured or aggrie
claiming any interest in such pr
recovery of such interest, at any
years after the discovery of such
Vacancy in office of judge.

Sec. 19. Section nineteen of said
so as to read as follows:

Sec. 19. In case a vacancy shall
cause in the office of superior ju
pendency of any of the proceedi
under this act, upon the election
of a successor, it shall be the dut
clerk to make out a certificate, u
ing the facts and name of such su
the same with the county recorde
cord such certificate in a book of
attach the original to the town-bo
Compensation.

Sec. 20. Section twenty of said
so as to read as follows:

Sec. 20. For service performed
the superior judge shall be entitle
of the moneys provided for, to b
hands, the sum of one dollar per m
necessarily performed by him on
every deed executed by him, the
lars, as provided in section eight o
shall include the acknowledgme
stamp thereon required; and for
issued by him, the sum of fifty c
Currency.

Sec. 21. Section twenty-one o
amended so as to read as follows

Sec. 21. All moneys required to
person under this act shall be paid
ver coin, except that for the paym
of the land to the government of t
the superior judge shall be authori

urchase, at the market price, so much in
nder notes as may be requisite therefor.
account.
22. Section twenty-two of said act is
d so as to read as follows:
n 22. Every superior judge, when fulfill-
duties imposed upon him by the act of con-
foresaid, and by this act, shall keep a cor-
count of all moneys received and paid out
. He shall deposit all surplus moneys with
nty treasurer of his county, and at the end
year from the time when the town plat of
wn shall be filed in the county recorder's
e shall settle up all the affairs pertaining
town, and shall pay over to the county
er all moneys belonging to said town, for
and benefit of the school district in which
wn may be situate; provided, that if any
to lands in such town shall be the subject
ation, the same shall be finally settled by
perior judge, whenever the final decree of
hall be served upon him.
of books with county clerk.
23. Section twenty-three of said act is
d so as to read as follows:
3. Whenever the affairs of any such town
finally settled and disposed of by such su-
udge, he shall deposit all books and papers
thereto in the superior court of his county,
hereafter kept in the custody of the county
s public records, subject to the inspection
citizen.
ality not to injure.
24. No mere informality, failure, or omis-
n the part of any of the persons or officers
in this act shall invalidate the acts of such
or officer, but every certificate or deed
l to any person, pursuant to the provisions
act, shall be deemed, taken, and considered
clusive evidence that all preliminary pro-
gs in relation thereto have been correctly
and performed.
).
25. This act shall take effect and be in force
and after its passage; provided, that the
of Shasta and Red Bluff shall be and are

hereby excepted and exempted from
of its provisions.

An Act to validate the organization
tion of municipal corpora
[Stat. approved March 17, 1897; Sta
cxii.]

The People of the State of Californ
in Senate and Assembly, do en

Section 1. All municipal corpor
ganization and incorporation of wh
authenticated by an order of a B
visors in this State, declaring the
rated as municipal corporations of
which such corporations may respe
and a certified copy of which order
by such Board of Supervisors in th
Secretary of State, showing such c
der to have been filed in said offi
corporations thereafter have acted i
manner of municipal corporations
visions of "An Act to provide for th
incorporation, and government of
porations," approved March thirt
hundred and eighty-three, and th
thereto, are hereby declared to b
been municipal corporations from
ing the certified copy of said order
Supervisors with the Secretary of
the acts of the said municipal corpo
fore exercised according to the Act
hereby validated and declared as le

Sec. 2. This Act shall take effect
its passage and approval.

An Act to validate proceedings for
tion of municipal corporations t
passage of the act entitled "An
for the organization, incorporatio
ment of municipal corporatio
March 13, 1883.]

[Approved March 16, 1889; 18

Acts of municipal corporations vali

Section 1. All cities and coun
towns reorganized, or claiming to
organized, since the passage of th

ch is recited in the title hereof, or which
terupted since said date to reorganize or in-
ite under the provisions of said act, and
cted as municipal corporations since such
ization, are hereby declared to be, and to
een from the date of such reorganization,
mpted reorganization, duly and legally in-
ted and reorganized cities, and all proceed-
r the reorganization of such municipal cor-
ns are hereby validated and declared legal.
ct almost identical in language with this
s passed in 1887: Act approved March 15,
tatutes 1887, 150.
ct of the same nature but more extensive
peration was also passed March 11, 1891;
891, p. 92.

to enable cities incorporated and operating
er a charter framed under section eight,
cle eleven, of the Constitution, to abandon
annul such charter, and organize under
eral laws.

pproved March 27, 1897. Stats 1897; chap. cxxxviii.]

ople of the State of California, represented
Senate and Assembly, do enact as follows:

n 1. The common council, or other legisla-
y of any city in this state, operating under
ter framed under section eight, article
of the Constitution, shall have power, and
be their duty, whenever a petition is pre-
to them, signed by one-half of the qualified
of such city, by ordinance, to submit
ualified electors of such city at any general
, the question whether such city shall
n such charter and reorganize under the
laws of the State providing for the or-
ion, incorporation, and government of mu-
corporations. Such election shall be called
d in accordance with the provisions of such
for calling and holding elections, and if
rds of such qualified electors voting at
ection shall vote to abandon such charter
rganize under the general laws of the State
ng for the organization, incorporation, and
nent of municipal corporations, such city
rom and after the thirtieth day after such

election, cease to be organized un
ter, and such charter shall be sup
general laws, and organized there
such proposition shall fail to rece
two-thirds of such electors, then
for the abandonment of such ch
ganization under the general law
again submitted for two years.

Sec. 2. All officers of such city
in office, and their powers under sa
not cease until officers shall have b
qualified under said general laws.

Sec. 3. This Act shall take effe

An Act to provide for the sale
water when owned by a mu

[Stat. approved March 27, 1897. S
cxxi.]

The People of the State of Califor
in Senate and Assembly, do en

Section 1. Whenever the water
by any city, incorporated town,
and county, is in excess of the am
supply the water required by
thereof, it may be declared by ordi
excess exists, and such excess of
sold outside of the limits of the c
in no case shall a contract be ma
of any excess of water sold by a ci
town, county, or city and county,
porate limits for a period longer
and in no case shall such a contra
less the legislative authority of a ci
town, county, or city and county,
nance that there exists an excess
quired to supply the inhabitants
corporated town, county, or city an
in the term of the contract, but w
ed to supply the inhabitants of a ci
town, county, or city and county,
the authorities thereof outside the
its from month to month during
such excess, and shall be sold or
fixed for consumers inside the co

Sec. 2. This Act shall take effe

t to provide for the disposal of money raised
cities or towns for public improvement
ter the same has been completed and paid
r. [Stats. 1899, chap. 91.]

ct authorizing municipal corporations to
se, purchase, own, and operate gravel-beds
l quarries, and to transport gravel and
k therefrom to such municipal corporations,
the purpose of making, improving, and re-
ring roads.

ved March 27, 1897; Stats. 1897, chap. clx.]

pal corporations may acquire gravel beds
l quarries.

1. Any incorporated city or town in this
may acquire, lease, purchase, and operate
avel-bed or quarry within the county where
ity or town is situated, and may equip and
e a plant at such gravel-bed or quarry, or
such town or city, for the purpose of break-
rushing, or otherwise preparing gravel or
be used in making, paving, improving, or re-
its streets. Any such city or town may ac-
lease, or purchase and maintain all neces-
oads, rights of way, and tramways over
to transport gravel or rock from such grav-
or quarry to such city or town, and all nec-
appliances for that purpose.

ilrds vote necessary.

2. No money shall be expended or expense
ed for any of the purposes set forth in sec-
ne, unless the same is authorized at a regu-
eting of the legislative body of such city
n, and by a vote of two-thirds of the mem-
hereof.

3. This Act shall not extend or enlarge
nitation upon municipal taxation or the ex-
ure of municipal funds, now existing by
of state laws or city charters in any of
les or towns of this State.

t to provide for the classification of munic-
ipal corporations.

[Approved March 2, 1883; 1883, 24.]

Classes described.

Section 1. All municipal corporat
State are hereby classified as follo
ing a population of more than two
sand shall constitute the first clas
a population of more than thirty
not exceeding two hundred thous
stitute the second class; those havi
of more than fifteen thousand, and
thirty thousand, shall constitute
those having a population of more
sand, and not exceeding fifteen
constitute the fourth class; those
lation of more than three thousan
ceeding ten thousand, shall cons
class; those having a population o
three thousand, shall constitute
[Amendment approved April 1, 18
chap. cclxii. In effect immediately.

Determination based on census.

Sec. 2. The census taken under
the congress of the United States in
een hundred and eighty, and e
thereafter, shall be the basis upon
spective populations of said mu
tions shall be determined, unless a
ation of the inhabitants thereof
this act provided, in which case su
eration shall constitute such basis.

Question of reorganization.

Sec. 3. The Council, Board of Tr
legislative body of any municipal c
at any time cause an enumeratio
itants thereof to be made, and in su
under such regulations as such bod
nance, direct. If upon such enum
appear that such municipal corpo
a sufficient number of inhabitants
reorganize under a higher or lower
mon Council, Trustees, or other le
shall, upon receiving a petition the
not less than one-fifth of the qu
thereof, submit to the electors o
town, at the next general electi
therein, the question whether suc
shall reorganize under the law
municipal corporations of the c
such city or town may belon

such proceedings shall be had and election as provided in the general law for the reorganization, incorporation, and government of municipal corporations. If a majority of the votes at such election shall be in favor of such reorganization, thereafter such officers shall be elected, are, or may be, and at the time prescribed by law for municipal corporations of the class having a population under which such reorganization is effected, and from and after the qualification of such officers, such corporation shall belong to such class. Whatever the result of such enumeration shall be, when it has been declared by the council, board of trustees, or other governing body, and entered in the minutes of such body, thereupon the number of the inhabitants so ascertained shall be deemed the number of the inhabitants of such city for all the purposes of this act, and for the purposes of legislation affecting municipalities. The clerk of the council, board of trustees, or other governing body of such city shall cause a certified copy of the minute order to be filed with the board of supervisors of the county wherein such city is located. [Amendment approved March 20, 1899; in effect March 20, 1899, chap. cii.]

An Act concerning municipal corporations.

[Approved March 9, 1885; in effect March 31.]

Validating acts of municipal corporations.

Section 1. All municipal corporations, whose incorporation has been or may hereafter be authenticated by an order of any board of supervisors in this state, declaring the same incorporated as a municipal corporation, and a certified copy of which order has been or may hereafter be filed in the office of such board of supervisors in the office of the secretary of state, and which have heretofore been or may hereafter be organized under a certificate issued by the secretary of state, showing such order to have been filed in his office, and which thereafter have acted, or hereafter may act, in the form and manner of a municipal corporation, under the provisions of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirty-first, eighteen hundred and eighty-three, are

hereby declared to be and to have
corporations from the date of filin
copy of said order of the board of s
the secretary of state; and all th
municipal corporations heretofore
which may be hereafter exercised, a
act aforesaid, are hereby validate
to be legal.

Sec. 2. This act shall take effect

An Act to promote the protection o
and municipal corporations fro
water and the drainage of the
such purposes authorizing the i
debtedness and the issuance o
for by the same, and providing
tion of the proceeds of such bon
supervision of the protective an

[Stat. approved March 26, 1895. St
cvi.]

The People of the State of Californ
in Senate and Assembly, do en

Section 1. Any city, town, or m
ration incorporated under the law
may, by procedure hereinafter pr
indebtedness and liability, althoug
the income and revenue by it provid
rent fiscal year, but not so that
funded indebtedness thereof shall
cent of the assessed value of all th
sonal property in the municipality,
of protecting such city, town, or
poration from overflow by water, a
pose of draining such city, town, or
poration, and for the purpose of se
let for such overflow water and d
any part of said purposes, whethe
canals, ditches, levees, dikes, embar
and machinery and other like appro
lary means or works, or any of the
situated within or without the terri
such city, town, or municipal corp

Sec. 2. The procedure mentioned
aforesaid shall be as follows, to
Council or legislative body of su
or municipal corporation shall, first,
some competent person general p

of the cost of such canals, ditches, levees, embankments, dams, machinery, and other or works as may be contemplated, which plans and estimates shall, after adoption, in the office of the Clerk of such municiand which general plans shall be substanadhered to thereafter in proceedings under ct. Said City Council or legislative body secondly, after the filing of such general and estimates, and by resolution or ordipassed at a regular meeting by a vote of two of all its members and approved by the ex- of the municipality, determine, if so adthat the public good demands the construcequisition, and completion, or either, of ditches, levees, dikes, embankments, dams, ery, and other like appropriate or ancillary or works, or any of the same, for any or he purposes mentioned in section one aforend shall further, by the same resolution or ace, determine, if so advised, that the cost same will be too great to be paid out of the y income or revenue of the municipality; ch resolution or ordinance, shall, after its e and approval, be published as hereinafter bed. Said City Council or legislative body ithin one month after the publication aforend by resolution or ordinance passed at a meeting by a vote of two-thirds of all its rs, and approved by the executive of the pality, call a special election, and submit to lified voters of such city, town, or municipal tion the proposition to incur a debt for any of the purposes mentioned in section one id, and which have been as aforesaid de- ed to be demanded for the public good. solution or ordinance calling such special shall specify the purpose for which the dness is proposed to be incurred, the esticost of the things proposed, that bonds of nicipality will issue in the amount of such ted cost, the number and character of such the rate of interest to be paid, and the t of the tax levy for each year during the ding of such bonds to be made for their nt. Such last-named resolution or ordinance e published as hereinafter prescribed. Such en. Laws—78

City Council or legislative body s
published, after the publication
prior to the day of holding such
a notice of the same, which notic
substantially all the matters c
aforesaid resolution or ordinance
cial election.

Sec. 3. Every publication he
tioned or required shall be in some
lished in such city, town, or munic
if in a daily paper in at least te
and if in a weekly paper in at
thereof; and no publication shal
have begun until any one require
same shall have been completed.

Sec. 4. Such special elections
the manner provided by law for
in such city, town, or municipal c

Sec. 5. It shall require the vot
of all the voters voting at such sp
authorize the incurring of any ind
issuance of any bonds under th
thirds of all the votes cast at su
tion be in favor of the propositio
City Council or legislative body m
reciting the result of said election,
issuance of the proposed bonds
incidental thereto.

Sec. 6. All municipal bonds is
Act shall be of the kind known a
such denominations as the City
lative body may determine; provid
shall be for less than one hundred
more than one thousand dollars, a
than one-fortieth part of the wh
evidenced by the whole of the issu
shall be, by the terms of such b
able each and every year. Eac
made payable either in gold coin
money of the United States as m
in such bond, on a day and at a
therein, with interest at the rate s
which rate shall not exceed seve
annum, to be fixed by such City
lative body. Said place of paymen
at the office of the Treasurer of t
or at some designated bank in San
cago, or New York. Said bonds s

part of such municipality by the Mayor or executive thereof, and by the Treasurer and countersigned by the Clerk of the municipality. The interest coupons shall be numbered tively and signed by the Treasurer.

. Any of such bonds may be issued by the ouncil or legislative body of such city, r municipal corporation, and by the same not less than their face value; and the proof such sale shall be deposited in the municisury to the credit of a designated fund and ied exclusively to the purposes and objects ch, as aforesaid, the electors have voted to debtedness or liability, until such purposes jects shall have been accomplished. after the surplus, if any, may be transferred to neral Fund of the municipality.

. Such City Council or legislative body t the time of fixing the general tax levy, the manner for such general tax levy prolevy and collect annually, each year, for n of forty years, a tax sufficient to pay the interest on such bonds and also one-forti- of the aggregate amount of such indebted incurred. The taxes herein required to be and collected shall be in addition to all xes levied for municipal purposes, and shall cted at the same time and in the same manother municipal taxes are collected.

. The City Council or legislative body of ity, town, or municipal corporation where- r which any public works or improvements g had or constructed for the purposes here- e specified, and for which indebtedness has curred under the provisions of this Act, ve power to make all needful rules and reg- for acquisition, construction, and comple- such works and improvements; to appoint ful agents, superintendents, and engineers ervise and construct the same, and shall wer in all lawful ways to protect and pre- ne rights and interests of the municipality ct thereof.

0. All contracts as to said works and im- ents shall be let, in such parcels as the ouncil or legislative body may determine. owest responsible bidder, after notice given least ten days by publication in one or

more newspapers published in th
inviting sealed proposals. Securit
be required in order to guarante
bidding and in the performance
either, in such amount as such Co
tive body may determine, and s
legislative body may reject any o

Sec. 11. The City Council or leg
the municipality may, by resolut
the same necessary, require the T
municipality to give additional bo
custody and care of public funds
this Act.

Sec. 12. The provisions of this A
to be paramount and controlling a
provided for therein and as to all
ing in or out of procedure thereun

Sec. 13. This Act shall take effe
ter the time of its passage.

An Act to provide for changing
of cities and municipal corporat
clude territory therefrom.

[Approved March 19, 1889; 1

Municipal boundaries—How chang

Section 1. The boundaries of an
cipal corporation may be altered a
cluded therefrom after proceedings
ed in this section. The council, bo
or other legislative body of such co
upon receiving a petition therefor
less than one-fifth of the qualified
of, as shown by the vote cast at t
pal election held therein, submit to
such corporation the question whe
tory as is proposed by such petiti
cluded from such municipal corpor
to be a part thereof. Such questio
mitted at a special election to be he
pose, and such legislative body sh
thereof by publication in a newspa
published in such corporation, or
newspaper published in said corpo
some newspaper published in the c
said corporation is situated, for a
weeks prior to such election. Su
distinctly state the proposition to b
and shall designate specifically the

rritory so proposed to be excluded, and the
rs shall be invited thereby to vote upon
proposition by placing upon their ballots
ords, "For exclusion," or "Against exclu-
or words equivalent thereto. Such legis-
body shall also designate the place
ces at which the polls will be opened
h territory so proposed to be excluded,
place or places shall be that or those
y used for that purpose within such terri-
f any such there be, and for the purposes
s act, the qualified electors residing in the
ry proposed to be excluded shall be entitled
e at the polls in such territory, and not else-
. Such legislative body shall also appoint
esignate in such notice the names of the of-
of election. Such legislative body shall meet
Monday next succeeding the day of such
n, and proceed to canvass the votes cast
t. The votes cast in such territory so pro-
to be excluded shall be canvassed separate-
d if it shall appear on such canvass that a
ity of all the votes cast in such territory
majority of all the votes in such corporation
be for exclusion, such legislative body shall,
order entered upon their minutes, cause their
or other officer performing the duties of
to make and transmit to the secretary of
a certified abstract of such vote, which ab-
shall show the whole number of electors vot-
such territory, the whole number of electors
in such corporation, exclusive of such ter-
the number of votes cast in each for exclu-
nd the whole number of votes cast in each
t exclusion. From and after the date of fil-
ch abstract, such exclusion of such territory
such municipal corporation shall be deemed
ete, and thereafter such territory shall cease
a part of such municipal corporation; pro-
that nothing contained in this act shall be
o relieve, in any manner whatsoever, any
f such territory from any liability for any
contracted by such municipal corporation
o such exclusion; and provided further, that
municipal corporation is hereby authorized
and collect from any territory so excluded,
time to time, such sums of money as shall
nd due from it on account of its just pro-

portion of liability for any paymen
pal or interest of such debts; such
collection shall be made in the sa
at the same time that such assessn
tion is levied and made upon the p
municipal corporation for any payn
of such debts; and provided further
territory so excluded from any mu
tion may at any time tender to the
of such municipal corporation t
which such territory is liable on a
debts, and, after such tender is mad
ity as is herein given municipal
levy and assess taxes on such exc
shall cease.

Rejection of application.

Sec. 2. Whenever any applicatio
or separation of territory shall be
ceedings thereon be had pursuant t
of this act, and separation or exclus
nied, refused, or rejected, then and
if any person or persons, or corpo
to such application, and believing
separate and distinct from the city
where such application is made, s
laid out, or expended moneys in t
and establishment of sewers, stree
either of them, within the territory
for separation or exclusion, such p
or corporation shall be entitled, im
such denial, refusal, or rejection,
action of an equitable nature in th
in the county where such applicat
against the city or municipality v
plication was made, to recover agai
municipality, the value of such imp
expenses so incurred to be determin
erees, to be appointed by said cou
ment entered for the amount there
city or municipality in favor of t
sons, or corporation entitled to ma
tion hereunder.

Sec. 3. This act shall take effect
from and after its passage.

t to provide for the alteration of the boun-
ies of and for the annexation of territory
incorporated towns and cities, and for the
orporation of such annexed territory in and
a part of such municipalities, and for the
tricting, government, and municipal control
annexed territory.

[Approved March 19, 1889; 1889, 858.]

tion of boundaries of incorporated towns or
es.

on 1. The boundaries of any incorporated
or city, whether heretofore or hereafter
l, incorporated, reincorporated, organized, or
nized, may be altered, and new territory an-
thereto, incorporated and included therein,
ade a part thereof, upon proceedings being
d taken as in this act provided. The coun-
ard of trustees, or other legislative body of
ch municipal corporation, upon receiving a
n petition therefor containing a description
new territory asked to be annexed to such
ation, and signed by not less than one-fifth
ber of the qualified electors of such munic-
orporation, computed upon the number of
cast at the last general municipal election
herein, must, without delay, submit to the
s of such municipal corporation, and to the
s residing in the territory proposed by such
n to be annexed to such corporation, the
on whether such new territory shall be an-
to, incorporated in, and made a part of such
pal corporation. Such question shall be
ted at a special election to be held for that
e, and no other; and such legislative body
eby empowered to, and it shall be its duty
se notice to be given of such election by the
ation of a notice thereof in a newspaper
l and published in such municipal corpora-
nd also in a newspaper, if any such there
nted and published outside of such corpora-
ut in the county in which the territory so
ed to be annexed is situated, in each case at
nce a week for a period of four successive
next preceding the date of such election.

Such notice shall distinctly state th
be submitted, i. e., that it is propos
incorporate in, and make a part of
corporation the territory sought
specifically describing the boundar
in said notice the qualified electors
pal corporation, and the qualified e
in said territory so proposed to be
be invited to vote upon such prop
ing upon their ballots the words "F
or "Against annexation," or wo
thereto. Such legislative body is
ered, and it shall be its duty, to e
such notice of election designate
cinct or precincts, and the place or
the polls will be opened in such t
posed to be annexed, and also in
corporation. And such place or plac
or those commonly used as votin
such municipal corporation, and al
commonly used within such new t
such there be. Such legislative bo
ed to, and it shall, appoint the offic
tion, who shall be, for each votin
municipal corporation, and for su
in said new territory, two judges
tor, each of whom shall be a qua
the voting precinct in which he is
as an officer of such election. The
such election, the opening and clos
and the holding and conducting o
shall be in conformity, as far as m
general laws of this state concer
and the judges and inspectors of su
immediately on the closing of the
ballots, make up and certify the tal
ballots cast at their respective poll
and then immediately return the
provided, doing so, as nearly as pra
manner provided in the election la
but the ballots, tally-sheets, and r
so returned to and deposited with t
legislative body. Such legislative
the time provided for its regular
after the expiration of three days
the date of said election, meet and
and canvass said ballots, tally-shee

ch canvass shall be completed at such meet-
practicable, and in any event, as soon as
able, avoiding adjournment or adjourn-
if possible, until said canvass is completed.
anvass by such legislative body shall be con-
and completed as follows: The ballots cast
outside territory so proposed to be annex-
ether with the tally-sheets and returns be-
therewith, shall be canvassed separately;
e ballots cast inside of said municipal corpo-
together with their tally-sheets and re-
shall be canvassed separately. Immediately
he completion of such canvass said legisla-
dy shall cause a record thereof to be made
tered upon its minutes, showing the whole
r of ballots cast in such outside territory,
ole number of ballots cast in such munici-
rporation, the number thereof cast in each
or of annexation, and the number thereof
each against annexation; and if it shall
from such canvass that a majority of all
llots cast in such outside territory, and a
y of all the ballots cast inside of said mu-
corporation, are in favor of annexation, the
or other officer performing the duties of
f such legislative body, shall promptly make
rtify, under the seal of said municipal cor-
n, and transmit to the secretary of state,
of said record so entered upon said minutes,
r with a statement showing the date of
ection and the time and result of said can-
hich document shall be filed by the secre-
state immediately upon the receipt thereof.
nd after the date of the filing of said docu-
the office of the secretary of state, the an-
n of such territory so proposed to be an-
shall be deemed and shall be complete, and
orth such annexed territory shall be, to all
and purposes, a part of such municipal cor-
n, except only that no property within such
d territory shall ever be taxed to pay any
of any indebtedness or liability of such
al corporation contracted prior to or ex-
t the time of such annexation. No terri-
ich, at the time such petition for such pro-
nnexation is presented to such legislative
orms any part of any incorporated town

or city, shall be annexed under th
this act.

Altering boundaries of wards.

Sec. 2. The legislative body of
ed town or city which is or shall
wards, and to which territory has
or shall be hereafter annexed, mus
either so alter the boundaries of the
municipal corporation as to include
territory in one or more wards adj
nexed territory, or make of such
tory one or more additional wards;
the number of wards shall not be so
exceed the number which such mu
boundaries of wards, or creating
gard must be had to the number
so that each ward shall contain, a
be, an equal number of inhabitant
persons incapable of citizenship in

Sec. 3. Nothing in this act pro
alter or affect the boundaries of an
assembly district.

Expenses, how, paid.

Sec. 4. All proper expenses of
annexation of territory under thi
such annexation shall be made an
not, shall be paid by the municipal
annexing or attempting to annex s

Sec. 5. This act shall take eff
force from and after its approval.

There was also passed at the sa
following act:—

An act to provide for changing the
cities and municipal corporatio
clude territory therefrom.

[Approved March 20, 1889; 1

Exclusion of territory and chang
of municipal corporations.

Sec. 1. The boundaries of any
pal corporation may be altered, an
cluded therefrom, after proceedi

in this section. The council, board of
s, or other legislative body of such corpora-
shall, upon receiving a petition therefor,
by not less than one fifth of the qualified
s thereof, as shown by the vote cast at the
unicipal election held therein, submit to the
s of such corporation the question whether
erritory as is proposed by such petition
be excluded from such municipal corpora-
nd cease to be a part thereof. Such ques-
all be submitted at a special election to be
or that purpose, and such legislative body
ive notice thereof by publication in a news-
printed and published in such corporation
period of four weeks prior to such election.
notice shall distinctly state the proposition
so submitted, and shall designate specifi-
he boundaries of the territory so proposed
excluded. And the electors shall be invited
y to vote upon such proposition by placing
heir ballots the words "For exclusion" or
ist exclusion," or words equivalent thereto;
egislative body shall also designate the
or places at which the polls will be opened
ch territory so proposed to be excluded,
place or places shall be that or those usual-
d for that purpose within such territory, if
ch there be, and for the purposes of this
ne qualified electors residing in the terri-
roposed to be excluded shall be entitled to
t the polls in such territory, and not else-

Such legislative body shall also appoint
esignate in such notice the names of the
of election. Such legislative body shall
n the Monday next succeeding the day of
lection, and proceed to canvass the votes
ereat. The votes cast in each territory so
ed to be excluded shall be canvassed sep-
, and if it shall appear on such canvass
majority of all the votes cast in such terri-
nd a majority of all the votes in such cor-
n, shall be for exclusion, such legislative
hall, by an order entered upon their min-
ause their clerk, or other officer performing
ties of clerk, to make and transmit to the
ry of state a certified abstract of such
hich abstract shall show the whole number

of electors voting in such territor
number of electors voting in such c
clusive of such territory, the numbe
in each for exclusion, and the wh
votes cast in each against exclusi
after the date of filing such abstra
sion of such territory from such
poration shall be deemed complete,
such territory shall cease to be a
municipal corporation; provided,
contained in this act shall be held
any manner whatsoever any part
tory from any liability for any debt
such municipal corporation prior
sion: and provided further, that s
corporation is hereby authorized to
lect from any territory so excluded
time, such sums of money as shall
from it on account of its just pro
bility for any payment on the princi
of such debts. Such assessment
shall be made in the same mann
same time that such assessment ar
levied and made upon the property
cipal corporation for any payment
such debts; and provided further,
territory so excluded from any mun
tion may at any time tender to
body of such municipal corporatio
for which such territory is liable
such debts, and after such tender
authority as is herein given municip
to levy and assess taxes on such exc
shall cease.

Sec. 2. This act shall take effect
from and after its passage.

An act providing for the adjustme
and payment of any indebted
against any city or municipal
the time of exclusion of territ
and the division of the property

[Approved March 25, 1893; Stats.

Sec. 1. That where any territory
shall be excluded from any city or

on, the superior court of the county in which
ity or municipal corporation is situate shall,
a verified petition of any ten tax-payers re-
in such city or municipal corporation, or in
rritory excluded, made for the purpose of ad-
g the amount of the indebtedness of such
municipal corporation existing at the time
exclusion of such territory due from the
ed territory, and stating the facts of such
ion and the amount of such indebtedness,
notice to be given by publication thereof in
spaper published in such city or municipal
ation, or in a newspaper published in the
in which such city or municipal corpora-
situated, for ten days, stating the substance
h petition, and the time and place that the
shall be heard by said superior court, which
f hearing shall be at least fifteen days after
ing of such petition, or at any time there-
o which such hearing may be continued by
urt.

person, corporation, or tax-payer interested
h city or municipal corporation, or in such
ed territory, or in the adjustment and set-
t of such indebtedness, may demur to or
r said petition. The rules of pleading and
e provided by the Code of Civil Procedure
are not in conflict with the provisions of
t, are hereby made applicable to the special
dings herein provided for. The persons so
ring or answering said petition shall be the
lants to said special proceedings, and the
s of the petition shall be the plaintiffs.

n the hearing of such special proceedings,
urt shall have power to determine the
t due from such excluded territory to the
r municipal corporation from which it was
ed as its proportion of the indebtedness of
ity or municipal corporation existing at the
uch territory was excluded. In fixing the
t due from such excluded territory, the said
must ascertain and find the purposes for
the said indebtedness was created; the man-
d place in which the proceeds of said in-
ness were expended; the value of the prop-
elonging to the said city or municipal cor-
on at the time of such exclusion; the as-

sessed value of the property situat
municipal corporation at the time
ment was made immediately pre
clusion, and the assessed value of t
ritory as shown by such city asse
value of the property belonging
municipal corporation, and which
the boundaries thereof after s
should exceed the value of city or
erty situated in such excluded ter
exceed the pro rata portion of the
the city or municipal corporation
excluded territory as shown by s
the court shall find and adjudge
nothing due from such excluded
such finding is made, and judgme
the court, such excluded territory s
ject to the payment of any such in
all property belonging to such ci
corporation remaining within its b
belong exclusively to it.

If the court finds, after deducting
city or municipal property from th
in the excluded territory, and the
of the indebtedness to be borne by
territory, a balance due from such
tory, it shall render judgment a
the amount of such judgment sh
and paid in the same manner a
time that the assessment is levied
lection of the annual municipal ta
on the property remaining in such
pal corporation for any payment
such indebtedness; provided, hov
such territory excluded from any
pal corporation may, at any time, te
islative body of such city or mu
tion the amount for which such ex
is liable on account of such indebt
ter such tender is made the au
city or municipal corporation to l
taxes on such excluded territory
cease.

Sec. 2. This act shall take effect
from and after its passage.

sult also:
ct to provide for the alteration of the
undaries of incorporated towns and cities
the annexation of uninhabited territory
ereto.
[Stats. 1899, chap. 41.]

t to enable the board of supervisors, town
ncil, board of aldermen, or other legisla-
e body of any city and county, city, or town,
obtain data and information, from any cor-
ation, company, or person supplying water
such city and county, city, or town, requir-
such boards, town council, or other legis-
ve body to perform the duties prescribed by
tion one of article fourteen of the consti-
ion, and prescribing penalties for the non-
formance of such duties.
roved March 7, 1881; Stats. 1881, p. 54.]
his act, post, title, Water Companies.

t authorizing municipalities of less than the
st class to obtain, by purchase, donation, or
vise, lands for cemetery purposes; and au-
rizing the board of trustees of said munici-
lities to make all necessary rules and regu-
ions for the government and disposition of
same.
[Stats. 1899, chap. xxi.]

to ratify and confirm the conveyance of cer
property to trustees for charitable or edu-
ional purposes by the city council or trus-
s of any city of less than fifty thousand
abitants, or of any incorporated town.
[Approved March 8, 1889; 1889, 94.]
ning conveyance of property for charitable
or educational purposes.
on 1. Whenever the city council or trus-
any city of less than fifty thousand inhab-
or of any incorporated town, has by deed
t conveyed property, or any portion there-
t has been set apart for a public park, to
s, for charitable or educational uses, such
ance is hereby ratified and confirmed; pro-

vided, that no institution now exis
established on such property shall
its benefits, or sectarian in its work
or be to any extent under the manag
trol of or in any way tributary to
creed or order, church, or sectarian
whatsoever; provided further, that
veyed shall be kept open as public g
trustees of such institutions as ar
placed thereon, and that the public
such grounds shall not be restricted
such reasonable regulations as park
the proper maintenance of such ins
require; provided further, that pro
veyed shall revert to the grantors,
so far as the grantees do not use th
cordance with the stipulations of the
and with the requirements of this
Sec. 2. This act shall take effect

TITLE 192.

NAPA COUNTY.

A reference to county special la
Napa is contained in Deering's An
Code, pp. 641 and 642.

TITLE 193.

NATIONAL GUARD.

Acts relating to: See Political Co
title, National Guard, p. 1046.

TITLE 194.

NAVAL BATTALION.

relating to: See Political Code, Appendix, Naval Battalion, p. 1047.

———.

TITLE 195.

NEVADA COUNTY.

ference to special laws relating to Nevada is contained in Deering's Annotated Penal pp. 642-644.

also "An act authorizing incorporated cities quire, by gift, purchase or condemnation dings, water, water-rights, reservoir sites, of way, and other appliances for supplying cities and their inhabitants with water." oved March 14, 1891, Stats. 1891, p. 102.]

———

TITLE 196.

NORMAL SCHOOLS.

relating to: See Political Code, Appendix, Normal Schools.

———

TITLE 197.

NOTARIES.

relating to: See Political Code, Appendix, Notaries, p. 1050.

———

TITLE 198.

OFFICERS.

relating to: See Penal Code, Appendix, ti- ficers, p. 586; Political Code, Appendix, ti- ficers, p. 1051.

TITLE 199.

OLEOMARGARINE.

Acts relating to: See Penal Code, tle, Oleomargarine, p. 587.

TITLE 200.

OLIVE OIL.

Act regulating sale of imitation: S Appendix, title, Olive Oil, p. 590.

TITLE 201

ORANGE COUNTY.

An Act to create the county of Or the boundaries thereof, to determ seat by an election, and to prov ganization and election of officer ify said county.

[Approved March 11, 1889; 18

Consult the statutes of 1889 for th

TITLE 202.

ORDINANCES.

An Act to require ordinances a passed by the City Council or o body of any municipality to b the Mayor or other chief execu such municipality for his approv

[Stat. approved March 27, 1897. Sta cxxix.

The People of the State of Californ in Senate and Assembly, do ena Section 1. Every ordinance and tion of the City Council of any mu

for any specific improvement, or the grant any franchise, or other privilege, or affect al property interests, or the expenditure of han one hundred dollars of the public mon levying tax or assessment, or establishing for artificial light, and every ordinance or ion imposing a duty or penalty, which shall passed the City Council, shall, before it effect, be presented to the Mayor for his al. The Mayor shall return such ordinance olution to the City Council within ten days eceiving it. If he approve it he shall sign it, shall then take effect. If he disapprove it ll specify his objections thereto in writing. o not return it with such disapproval within ne above specified, it shall take effect as if approved it. The objections of the Mayor e entered at large on the journal of the City l, and the City Council shall cause the same immediately published. The City Council after five, and within thirty days after ordinance or resolution shall have been ed with the Mayor's disapproval, recon and vote upon the same; and if the same upon reconsideration, be again passed by irmative vote of not less than three-fourths the members, the presiding officer shall that fact on the ordinance or resolu nd when so certified, it shall take effect t had received the approval of the Mayor; the ordinance or resolution shall fail ive upon the first vote thereon after its with the Mayor's disapproval, the affirma tes of three-fourths of all the members, it e deemed finally lost. The vote on such re eration shall be taken by ayes and noes, he names of the members voting for or t the same shall be entered in the journal; ed, that the provisions of this section shall ply to cities in which the Mayor is a mem the City Council, or other governing body.

2. The word "municipality," and the word as used in this Act, shall be understood construed as to include, and is hereby de to include, all corporations heretofore or d and now existing, and those hereafter or d, for municipal purposes.

3. The term "City Council" is hereby de

clared to include any body or bo
the law, is the legislative depart
ernment of any city.

Sec. 4. In municipalities in w
Mayor, then the duties imposed
by the provisions of this Act sh
by the President of the Board of
chief executive officer of the mu

Sec. 5. This Act shall take effe
from and after its passage, and a
of Acts in conflict with this Ac
pealed.

TITLE 203.

ORPHANS.

Acts relating to: See Civil Co
tle, Infancy, p. 775 et seq. Cons
lowing acts:

An act to appropriate funds for
several orphan asylums of this s
April, 1872; Stats. 1871-2, p. 644.]

An act to appropriate money fo
orphans, half-orphans, and aban
[Approved March 25, 1880; 1880,

These acts appropriated under
tions from the general funds a s
rate per child for each child main
tions.

They have not been repealed,
Budd vetoed an appropriation u
Statutes 1895, p. 290, and no a
made under it in 1897.

An act in relation to the care
abandoned children. [Approved
1873-4, 297.]

An act to authorize managers of
to give their consent to the ado
children under their care. [Ap
1878; 1877-8, 963.]

TITLE 204.

OYSTERS.

Political Code, section 19, and the Penal ection 23, expressly continued in force an cerning oysters, passed April 28, 1851, 432. act concerning oyster beds, approved , 1866 , 1865-6, 848; but both those acts pealed by the following act, which is now e:

t to encourage the planting and cultivation ers. [Approved March 30, 1874; 1873-4,

bject of the act sufficiently appears in the

TITLE 205.

PHARMACY.

to regulate the practice of pharmacy and of poisons in the state of California.

roved March 11, 1891; Stats. 1891, p. 86.]

n 1. From and after the first day of Jan- . D. eighteen hundred and ninety-two, it e unlawful for any person to conduct any cy or store for dispensing or compounding es, unless such person be a registered cist, within the meaning of this act; and be unlawful for any person to compound ense any physician's prescription, unless rson be a registered pharmacist or a reg- assistant pharmacist, within the meaning act, except as hereinafter provided.

. Any person, in order to be a registered cist, must be a graduate of pharmacy, a te in pharmacy, or a practicing pharmacist.

. Graduates in pharmacy are persons who ad four years' experience in stores where scriptions of medical practitioners are com- d, and each must have obtained a diploma legally constituted college of pharmacy.

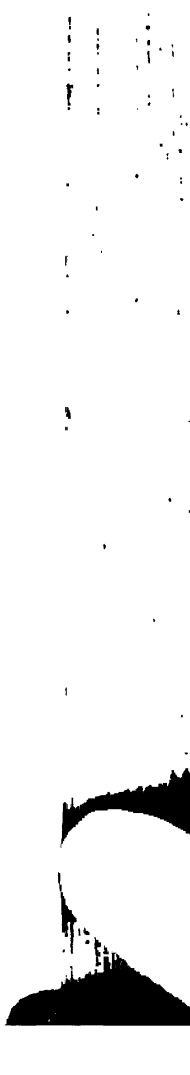
Licentiates in pharmacy are per
had four years' experience in st
prescriptions of medical practition
pounded, and shall have passed
before the state board of pharmac
present satisfactory credentials o
their attainments to the said boa
pharmacists are persons who, at
this act, are conducting pharmaci
for compounding and dispensing
of medical practitioners, and for t
icines and poisons. Assistant ph
persons of not less than eighteen y
are employed by registered pha
studied the art of pharmacy for
have passed an examination by the
macy, or who, prior to the passa
have had three years' experience i

Sec. 4. Every pharmacist claimi
registration under this act shall, o
first day of January next after it
ward to the board of pharma
proof that he was engaged in the
paring and dispensing medicines
prescriptions at the time of passa
or that he is otherwise entitled to
der its provisions. The board of
then issue to said applicant, upon
sum of five dollars, a certificate
Any practicing pharmacist failing
the requirements of this section wi
from and after the first day of Ja
hundred and ninety-two, shall forf
registration, and shall appear for
provided for in this act.

Sec. 5. Every assistant pharm
right of registration under this act
ing an examination by the board
shall, on or before the first day o
after the passage, forward to the
macy satisfactory proof that he
years' experience in drug stores wh
prescriptions are prepared; the bo
cy shall then issue to said applicant
ing the sum of one dollar, a certific
tion as assistant pharmacist. Any
ing to comply with the requireme
tion, within sixty days from and

f January, eighteen hundred and ninety-two, forfeit his right to registration, without passe examination provided for in this act. No ered assistant shall conduct a pharmacy or anted a certificate as a registered pharmacist he has passed the examination for licentiate armacy, as required by this act.

6. Within thirty days after the passage of ct, and every fourth year thereafter, the gov- shall appoint seven competent pharmacists, ng in different parts of the state, to serve as rd of pharmacy. The members of this board within thirty days after their appointment, dually take and subscribe, before the coun- rk in the county in which they individually , an oath faithfully and impartially to dis- e the duties prescribed by this act. They hold office for the term of four years, and their successors are appointed and qualified. e of vacancy in the board of pharmacy, the nor shall fill the same by appointing a mem- serve for the remainder of the term only. ffice of said board shall be located in San isco. The board shall organize by electing ident and a secretary, the latter to be ex treasurer of the board. Four members of ard shall constitute a quorum. They shall at least quarterly, and have power to make s for the proper fulfillment of their duties. uties of the board shall be to transact all ss pertaining to the legal regulations of the e of pharmacy; to investigate all complaints ting non-compliance with the violations of ovisions of this act, and to bring the same notice of the proper prosecuting officer, ver there appears to the board to be rea- e grounds for such action; and to examine gister as pharmacists, or assistant pharma- all applicants whom it shall deem qualified such, respectively. All persons, on applying amination or registration, shall pay to the ary a fee of five dollars for licentiate, and ollars for assistants; and on passing the ex- tion they shall be furnished with a certifi- igned by the secretary and examiners. In f failure to pass, the board shall grant a examination within one year without any onal fee being charged. Every registered



pharmacist who desires to contir
of his profession in this state sha
such date as the board of pharm
mine, pay to the secretary of th
registration fee, to be fixed by
which shall in no case exceed the
lars per annum, for which he sh
newal of said registration. Ever
sistant pharmacist who desires
practice of his profession in this s
ally, on such date as the board of
determine, pay to the secretary
registration fee, to be fixed by
which shall in no case exceed the
lar per annum, for which he shall
al of said registration. The board
annual report of its proceedings
of the state. [Amendment appr
1893; Stats. 1893, p. 68.]

Sec. 7. It shall be the duty of
keep a book of registration open
San Francisco, of which due notic
through the public press or by
book shall be entered, under the s
board, the names, titles, qualificat
of business of all persons coming
visions of this act. The secretar
ceipts for all money received by
burse the same by order of the
sary expenses, taking proper vo
The balance of said moneys, afte
penses of the board, he shall p
treasurer, who shall keep it as a s
used in carrying out the provisio

Sec. 8. The members of the boa
shall each be paid the sum of five
for every meeting of the board
tend, and the secretary shall re
tional compensation as the board
compensation of members and of
the board of pharmacy shall be pa
amination and registration fees a

Sec. 9. No person shall add to
or cause to be added to or rem
drug, chemical, or medicinal prep
gredient or material for the purp
tion or substitution, or which shal
quality, commercial value, or me

the nature or composition of such article; no person shall knowingly sell, or offer for any such adulterated, altered or substituted chemical, or medicinal preparation, without informing the purchaser of the adulteration or sophistication of the article or offered for sale. Every registered macist shall file or cause to be filed all physicians' prescriptions compounded or dispensed in harmacy or store; they shall be preserved wo years, and he shall furnish a correct copy y prescription, upon the order or request of ttending physician. Any person who shall illy violate any of the provisions of this section shall be guilty of a misdemeanor, and upon ction thereof shall be liable to all costs of the , and for the first offense be liable to a fine xceeding fifty dollars, and for each subsequent offense a fine of not less than fifty nor than one hundred dollars, said fines to be over to the board of pharmacy. On written laint being entered against any person or ns, charging them with specific violation of of the provisions of this act, the board of macy is hereby empowered to delegate one of embers, or other suitable person, who shall authority to inspect drugs, chemicals, or cines, and to make a thorough investigation e case; he shall then report the result of his tigation, and if such report justify such ac- the board shall notify the prosecuting attorr district attorney, who shall prosecute the ler according to law.

10. It shall be unlawful for any person to any poisons enumerated in schedules "A" "B," appended to this act, without labeling ox, bottle, or paper in which said poison is ined with the name of the article, the word on," and the name and place of business of eller. Nor shall it be lawful to sell or deliver oison named in schedules "A" and "B," unon inquiry, it is found that the person is e of its poisonous character, and that it is to ed for a legitimate purpose. Nor shall it be l to sell or deliver any poison included in ule "A" without making, or causing to be an entry in a book kept for that purpose stating the date of sale, and the name and

address of purchaser, the name an
the poison sold, the purpose for whi
by the purchaser to be required, an
the dispenser; said book to always b
spection by the proper authorities, a
served for at least five years. The
this section shall not apply to the
poisons when prescribed by practitio
cine, nor to the sale of poisons,
bottle or package does not c
than an ordinary dose. De
affix to every bottle, box, parcel,
closure of an original package cont
the articles named in schedules "A"
this act, a suitable label or brand w
"Poison," but they are hereby exem
registration of the sale of such artic
at wholesale, or to a registered p
physician. Any person failing to co
requirements of this section shall
misdemeanor, and upon conviction s
to a fine not exceeding fifty dollars.

Sec. 11. Any person that shall at
cure registration for himself, or f
person under this act, by making, or
made, any false representations, o
fraudulently represent himself to
shall be deemed guilty of a misd
shall, upon conviction thereof, be fi
not exceeding two hundred dollars.
ed pharmacist who shall permit the
and dispensing of prescriptions of n
tioners in his store by persons not r
cept by junior assistants under the
vision of registered persons, or an
registered who shall retail medicine
except in a pharmacy under the sup
registered pharmacist or a register
pharmacist, and any registered pers
fail to comply with the regulations
shall be guilty of a misdemeanor, a
viction thereof be fined not exceedin
Nothing in this act shall apply to or
the business of any practitioner of
does not keep a pharmacy or open sh
tailing of medicines or poisons, nor
clusive wholesale business of any
that portion of section ten which rel
ing or labeling certain poisons ment

Nor shall general dealers come under the ions of this act, in so far as it relates to the for sale of proprietary medicines in orig- ackages of drugs and medicines; but in no hall they compound or prepare any phar- itical preparations or prescriptions.

12. All persons registered under this act be exempt and free from jury duty.

SCHEDULE "A."

nic, corrosive sublimate, cyanide of potas- hydrocyanic acid, strychnia, cocaine, and all oisonous vegetable alkaloids and their salts, and all its preparations, excepting those contain less than two grains to the ounce.

SCHEDULE "B."

nite, belladonna, colchicum, conium, nux a, savin, cantharides, phosphorus, digitalis, eir pharmaceutical preparations, croton oil, form, chloral, sulphate of zinc, sugar of nineral acids, carbolic acid, and oxalic acid, precipitate, red precipitate, biniodide of ry, essential oil of almonds.

cts or parts of acts which conflict with this reby repealed.

ons: See Post, title, Poisons.

TITLE 206.

PILOTS.

relating to: See Political Code, Appendix, Pilots, p. 1058.

TITLE 207.

PLACER COUNTY.

eference to special acts relating to Placer is contained in Deering's Annotated Penal pp. 650 and 651.

also, an act authorizing the trustees of Au- to remove a cemetery and donate the land park, approved March 26, 1895; Stats. 1895,

TITLE 208.

PLUMAS COUNTY

A reference to special acts rela
county is contained in Deering's A
Code, pp. 651 and 652.

TITLE 209.

POISONS.

Act regulating sale of: See ante,
the former act was an act to regu
certain poisonous substances. [
16, 1880; 1880, 102 (Ban. ed. 341).]

TITLE 210.

POLICE.

Acts relating to: See Penal Cod
tle Police, p. 595.

TITLE 211.

POLICE COURTS

An Act to establish a police court
city of Marysville.
[Approved March 16, 1889;

An Act to provide for police cour
ing fifteen thousand and under
sand inhabitants.
[Approved March 31, 1891; Stats
This act was declared unconstitu
bonini, ex parte, decided July 16, 1

ct to create a police court in and for the y and county of San Francisco, state of lifornia.

[Approved March 5, 1889; 1889, 62.]

t amendatory of and supplemental to an act titled "An act to create a police court in and the city and county of San Francisco, state California," approved March 5, 1889, and oviding for an additional department, to be own as department number four, and the pointment of a suitable person to act as ige of said court.

oved February 23, 1893; Stats. 1893, p. 9.]

t to create an additional police judge's court the city and county of San Francisco, to fine its powers and jurisdiction.

pproved March 7, 1881; Stats. 1881, 74.]

t to provide for police courts in cities having rty thousand and under one hundred thou- nd inhabitants, and to provide for officers ereof.

[Approved March 18, 1885; 1885, 213.]

act was amended March 31, 1891; Stats. p. 252; February 27, 1893; Stats. 1893, p. 41; arch 6, 1895; Stats. 1895, p. 113.

act establishing a police court in Eureka. oved March 26, 1895; Stats. 1895, p. 90.]

TITLE 212.

POLICE DEPARTMENT.

relating to: See Political Code, Appendix, Police Department, p. 1058.

TITLE 213.

PREDACEOUS INSEC

An act to appropriate five thous
the purpose of sending an expert to
Zealand, and adjacent countries to
port into this state parasites and
sects. [Approved March 31, 1891;
277.]

The object of the act sufficiently
the title.

TITLE 214.

PRIZE FIGHTING.

Act relating to: See Penal Code
tle, Prize Fighting, p. 606.

TITLE 215.

PROSTITUTION.

Act relating to: See Penal Code
tle, Prostitution, p. 606.

TITLE 216.

PROTECTION DISTRI

An act to provide for the formatio
districts in the various countie
for the improvement and rect
channels of innavigable strea
courses, for the prevention of
thereof, by widening, deepenin
ening and otherwise improving
to authorize the Boards of Sup
and collect assessments from th
efited to pay the expenses of t

[Stat. Approved March 27, 189
chap. cci.]

The People of the State of Californ
in Senate and Assembly, do en

Section 1. Whenever the Board

y county in this State may deem it proper
rove and rectify the channel of any innavi-
stream or watercourse within the county,
prevent the overflow of such stream by wi-
, deepening, or straightening its course, or
ecting levees or dikes upon its banks, the
may, upon a petition of ten property hold-
the district to be affected by such improve-
, pass a resolution signifying its intention to
ve such innavigable stream or water-
, describing the exterior bounda-
f the district of lands to be affected or ben-
by such work or improvement, and to be as-
to pay the damages, cost, and expenses
f, the character of work or improvement
nplated, and the place where the proposed
or improvement is to be done. Such resolu-
hall also contain a notice, to be published,
notice shall be headed "Notice of Intention
Board of Supervisors to form a Protection
ct," and shall state the fact of the passage
h resolution, with the date thereof, and
, the work or improvement proposed, and
atement that it is proposed to assess all
ty affected or benefited by such improve-
for the expenses thereof, and refer to the
tion for further particulars. Such notice to
en by the Board of Supervisors, and signed
clerk.

2. Such notice shall be published for a
of thirty days, in one daily newspaper pub-
and circulated in such county, and desig-
by said board of supervisors; or if there
daily newspaper so published and circu-
in said county, then by four successive in-
s in a weekly or semi-weekly newspaper so
hed, circulated, and designated.

3. Any person interested, objecting to
ork or improvement, or to the extent of the
t of lands to be affected or benefited by
ork or improvement, and to be assessed to
e costs and expenses thereof, may make
objections to the same within ten days
the expiration of the time of the publica-
said notice, which objection shall be deliv-
the clerk of said board of supervisors, who
ndorse thereon the date of its reception by
nd at the next regular meeting of such

board of supervisors, or at an a
ing, or a special meeting called fo
after the expiration of said ten da
jections before said board of sup
shall fix a time for hearing sai
less than fifteen days thereafter,
clerk to notify each person objecti
fixed for hearing, by depositing a
in the post office at the county sea
ty, postage prepaid, addressed to
jecting, which said notice shall be
post office not less than ten days
set for hearing.

Sec. 4. At the time specified o
hearing may be adjourned, the b
visors shall hear the objections
upon the same. Such board may, i
sustain, in whole or in part, any o
jections made and filed, and may
the boundaries of such district to
needs of the district, and may, in
declare such protection district fo
division of such county, and shall
district by name as the —— Protec
—— County, and thereafter the
visors shall be deemed to have ac
tion to purchase or receive by d
name of the district, any real or
erty necessary to properly carry o
of the formation of such district,
rules as govern the purchase of
name of the county; but no distric
ed wherein a majority of the p
within its limits protest in writin
action.

Sec. 5. The board of supervisor
ty shall also have power to conde
purpose of widening, deepening, c
any innavigable stream flowing th
tection district, and for that pur
provisions of part three, title seve
of Civil Procedure are hereby ma
the exercise of the right of emin
such purposes, or to any purpose
needs of such district when forme

Sec. 6. Having acquired juris
vided in section four hereof, the
visors shall cause a survey of sai
improvement to be made, or ado

made; and a map of the survey must be
d by such board, and thereafter such sur-
id map shall be the plans to be followed in
g such improvements; provided, that at any
fter the adoption of such survey and map,
efore any commissioners' report of the as-
nt of benefits and award of damages has
inally adopted and confirmed by the board
ervisors as provided for by section sixteen
act, said board of supervisors may rescind
action in adopting such survey and map,
ay adopt others in place thereof, or, by the
itive vote of not less than four-fifths of all
mbers, said board may abandon its contem-
improvement and disorganize and abolish
rotection district, in which case the pre-
ry expenses already incurred for advertis-
d surveying shall be a county charge.
idment approved March 27, 1897; Stats.
hap. clxiii. In effect immediately.]

7. After adopting such survey, the board
ervisors shall appoint three commissioners
ss benefits and damages, to estimate the to-
t of making the proposed improvements and
ming such proposed work, which estimate
nclude all expenses of every kind incurred
e incurred, either directly or indirectly, in
g out the said work and improvements. Be-
ntering upon the discharge of their duties
h commissioners, they shall each take and
be to an oath to perform the duties of such
ssion to the best of their abilities, and shall
le, with the clerk of the board of supervis-
bond to the state of California, in the sum
e thousand dollars, to faithfully perform the
of his office as such commissioner, which
ond must be approved by the chairman of
ard of supervisors. The board of supervis-
y. at any time, remove any or all of said
ssioners for cause, upon reasonable notice
aring, and may fill any vacancies occurring
them from any cause.

8. The commissioners shall have all pow-
cessary and proper to carry out the pro-
of this act, and the act of a majority shall
act of the board.

9. All such charges and expenses shall be
d as expenses of said work or improvement,

and be a charge only upon the
the particular work or improve
hereafter. All claims, as well
improvements taken or damag
charges and expenses, shall be
claims against the county and u
board of supervisors, and the
itemized in the same manner as
against the county.

Sec. 10. Said commissioners
view the lands embraced within
such protection district, and m
witnesses on oath, to be adminis
of them. Having viewed the la
and the improvements affected,
the testimony presented, they sh
all diligence to determine the v
and the damage to improvemer
affected, and also the estimate
cost of the proposed work or in
the expenses incident thereto, a
mined the same, shall proceed to
upon the lands embraced with
boundaries of such protection d
sessment shall be made in the n
to-wit: The board of supervisc
the county, as an interested and
such portion of said assessment, n
third, as in their judgment the
and the remainder of such ass
made upon the lands within sai
portion to the benefits to be d
work or improvement, so far as
sion can reasonably estimate the
in such estimate the property
company within said district, if

Sec. 11. Said commissioners,
their assessment of benefits and
with all diligence, make a writt
to the board of supervisors, and
their report with a plat of the
the land taken or to be taken fo
provement; and the lands asses
relative location of each distri
portion of lot or other piece of
mensions, so far as the commi
sonably ascertain the same. Each
portion of lot, or other parcel o

or assessed, shall be designated and de-
l in said plat by an appropriate number,
reference to it by such descriptive number
e a sufficient description of it in all re-
When the report and plat are approved
board of supervisors, a copy of said plat
riately designated and certified by the
f said board as a correct copy of the plat
in his office) shall be, by the clerk of said
recorded in the office of the recorder of the
. Said report of the commissioners shall
ntain the names of the persons owning
aken, or to be taken, for such work or im-
ent; the names of the land owners who
t to give the right of way, and their writ-
nsent thereto; the names of land owners
not consent, and the amount of damage
l by each, and the amount of damages
d to each by the commissioners.

12. Said report shall specify each lot, sub-
, or piece of property taken or injured by
lening, deepening, or straightening of such
able stream, or other improvement made
k done, or assessed therefor, together with
ne of the owner or claimants thereof or of
interested therein as lessees, incumbran-
otherwise, so far as the same are known
commissioners, and the particulars of their
ts, so far as the same can be ascertained,
e amount of value or damages or the
assessed, as the case may be.

13. If in any case the commissioners find
nflicting claims of title exist, or shall be
rance or doubt as to the ownership of any
f land or of any improvement thereon, or
interest in such land or improvement, it
e set down as belonging to unknown own-
rrors in the designation of the owner or
of any land or improvement, or of the
lars of their interests, shall not affect the
of the assessment, or of any condemna-
the property to be taken.

14. The commissioners shall receive for
rvices such compensation as the board of
sors may determine from time to time:
d, that the compensation shall not exceed
n of one hundred dollars per month each,
ntinue for more than six months, unless

the board of supervisors shall, b
such time. The compensation of
ers shall be considered as an expe
or improvement, and chall be charg
ble as are other expenses thereof

Sec. 15. The report of such com
the plat accompanying it, shall b
clerk of the board of supervisors,
the said clerk shall give notice of
publication for at least ten day
newspaper published and circulate
ty; or if there be no daily paper
cessive insertions in a weekly
newspaper so published and circu
tice shall require all persons inte
cause, if any they have, why suc
not be adopted and confirmed by
pervisors, on or before a day fix
thereof, and stated in said not
shall not be less than thirty day
publication thereof. Such notice
stantially in the following form:

Notice of the filing of the repo
of commissioners of —— Protectio

Notice is hereby given that the b
sioners of —— Protection District
day of —— 189—, file its report of
of benefits and award of damag
tection district with the clerk of t
pervisors of —— county, which sa
on file in the office of said board
court house, in the city of ——,
Said report is hereby made a par
hereby referred to for further p
persons interested are hereby re
cause, if any they have, why suc
not be adopted and confirmed by
supervisors.

All objections to such adoption
shall be in writing and signed by
jecting, giving post office address,
the clerk of said board of supervis
the —— day of ——, 189—.

Clerk of the Board of Supervisors

Sec. 16. All objections shall be
filed with the clerk of the board
who shall, at the next meeting

er an adjourned meeting, a regular month-
ting, or a special meeting called for that
e) after the day fixed in the notice to show
lay the said objections, if any have been
efore the said board, which shall, by order,
ime for hearing the same, and direct the
o notify the objectors in the manner pre-
in section three hereof. At the time fixed
aring, or at such other time as the hear-
y be adjourned to, the board of supervisors
ear such objections and pass upon the
and at such time, or if there be no objec-
t the first meeting after the day set in
der to show cause, or such other time as
fixed, shall proceed to pass upon such re-
nd may confirm, correct, or modify the
r may order the commissioners to make a
sessment, report, and plat, which shall be
otice given, and hearing had as in the case
riginal report. When such report has been
and confirmed, the said board may, by
ntered upon its minutes, discharge such
sioners, and their authority shall there-
ease.

7. After said report has been adopted as
d in the preceding section, the board of
sors, if they consider the sum to be raised
payment of the expenses of such work or
ement too great to be properly expended in
r, or too great to be raised in one year by
ents against the property of such protec-
trict, may, by order entered upon its min-
ovide that any part of such expenses shall
d or expended in one year, and that such
ents shall continue for a number of years
t to raise by assessment, and expend, the
m required by such report for the work or
ement. When the board has determined
to be assessed for each year, and the
of years that such assessment shall con-
hey shall cause the clerk of the board of
ors to forward to the tax collector of the
in which such district is situated, a certi-
y of the report, assessment, and plat as
and confirmed by the said board of su-
s, together with a certified copy of the
said board, fixing the sum to be raised
assessment each year and the number of

years such assessment shall cor
and after the filing of such ce
charges assessed upon each piec
provement thereon for the first y
due and payable immediately an
a lien thereon; and thereafter the
the succeeding years shall becom
ble on the first day of October o
shall, upon becoming due and pa
a lien upon the land or improvem
it is assessed. Before such sum
quent, the board of supervisors
county treasurer to transfer from
in the general fund of such cou
raised by such assessment, a sum
named in the order, great enoug
sessment made against the coun
for such work and improvements.

Sec. 18. All moneys paid upo
ments, either by property owners
ty, and moneys received from an
benefit of such protection distri
the county treasurer, placed in a
ed the —— Protection District
payments of any of the expenses
improvements or other expenses
shall be made upon warrants dra
ty auditor upon such fund, and
treasurer.

Sec. 19. Upon the filing of su
of such report, assessment plat, a
tax collector of the county, as p
tion eighteen hereof, the count
shall give notice, by ten days'
newspaper printed in the county,
ment list of —— Protection Di
filed in his office, with the date
that the amounts entered thereon
able; that if not paid on or befo
day in January next ensuing, th
come delinquent and will be coll
linquent taxes. He shall note on
list all assessments paid, giving r
payment of taxes, and shall pay
lected into the county treasury a
and in the same manner as mo
taxes is paid into said treasury.
collections of assessments shall

manner above set forth, and the tax collec-
ll annually (after the first year), immediate-
r the first day of October, publish a notice
ing all the statements required to be made
einbefore in this section set forth, and the
proceedings shall be had as upon the col-
of the first assessment.

20. When said assessments have become
uent the tax collector of such county shall
d to collect such delinquent assessments,
ive per cent added thereon, and pay the
including the five per cent so collected,
the county treasurer, in the same manner
e and county taxes are collected and paid
nd for the purpose of collecting such as-
nts and delinquent assessments all of the
ons of chapter seven, title nine, part three,
Political Code not in conflict with any of
ovisions of this act are hereby made appli-
o the collection of assessments and delin-
assessments in such protection districts.

21. If, at the completion of such work or
ements, there should be, from any cause, a
of money left in such Protection District
the board of supervisors may ascertain the
a amount belonging to each person paying
sessments, and upon the filing of claims for
ebate properly itemized, shall refund such
to the parties who paid the same; and
ll of such money has been refunded, shall,
er, direct the county treasurer to abolish
rotection District Fund.

22. When sufficient money is in such Pro-
District Fund to pay for the property
and damaged, according to the award of
es made in the report adopted by the board
ervisors, as provided in section seventeen
the clerk of the board of supervisors shall
the owner, possessor, or occupant of any
improvement thereon to whom damages
ave been awarded, that such award has
ade, and the amount thereof, and that upon
erson filing a claim and tendering a convey-
any property to be taken, such claim will
wed and such damages paid. Such notice
e given by depositing such notice in the
ice at the county seat of such county, post-
epaid, addressed to such owner, possessor,

or occupant, if his name be known. property is unoccupied, and the nam ers is unknown, or in case such unc erty is set down as belonging to unk for the reasons given in section fo such notice shall be delivered to the constable, who shall serve the same copy in a conspicuous place upon named in said notice, and indorse a service upon the original notice, and with the clerk of the board of sup

Sec. 23. Whenever the clerk of the pervisors or other officer is, by this ed to serve any notice by mailing, a such mailing, in conformity to the this act and filed with the records of sors, shall be sufficient proof of such

Sec. 24. If any award of damages ed within fifteen days after the mail of such notice, it shall be deemed a the property owner, and thereupon supervisors may direct proceedings right of way to be instituted, in the county, by the district attorney, und vided in title seven, part three, of Civil Procedure, against all non-acc erty owners; and when thereunder way is procured, the work or impr be commenced as hereinafter provi suit no informality in the proceed board of supervisors, or in the proc commissioners, shall vitiate said sui order of the board of supervisors, district attorney to bring suit, shall proof of the regularity thereof; and shall be determined by the court o cordance with the rights of the resp as shown in court, independent of ings before said board of supervis said commissioners.

Sec. 25. If any right of way, att acquired by virtue of this act, shal be defective from any cause, the bo visors may again institute proceedin the right of way as in this act provi wise, or may purchase the same an cost thereof in the expenses of such provement.

26. The board of supervisors shall deter-
he amount of work to be done in each year
e place where such work is to be done, and
et a contract for any portion of such work
hey may think proper. When the work is
contract, either as a whole work or for a
thereof, the board shall give notice, by
ation thereof, not less than ten days, in a
aper published in such county, calling for
r the construction of such work, or of any
thereof; if less than the whole work is
ised, then the portion so advertised must
rticularly described in such notice. Said
shall set forth that plans and specifications
seen at the office of the board, and that
ard will receive sealed proposals therefor,
at the contract will be let to the lowest
sible bidder, stating the time and place for
g said proposal, and how such sealed pro-
shall be addressed, which, at the time and
appointed, shall be opened, and, as soon
ter as convenient, the board shall let said
either in portions or as a whole, to the
responsible bidder: or they may reject any
bids and readvertise for proposals. Any
or persons to whom a contract may be
ed shall enter into a bond, with good and
nt sureties, to be approved by the board,
e to said county for the use of such pro-
district, for double the amount of the con-
rice, conditioned for the faithful perform-
f said contract. The work shall be done
the direction and to the satisfaction of the
of supervisors.

27. If, according to the survey and map
pted by the board of supervisors, as pro-
n section seven hereof, it is necessary, in
o shorten or straighten the course of any
gable stream, to dig canals, cut off bends,
the channel or course of such stream, or
the water from its present channel into a
but now dry channel, then such work
e considered as the straightening of the
l and course of such innavigable stream,
of the provisions of this act are hereby
d to be applicable to such work.

28. If, at any time, in the opinion of the
of supervisors, the expenditure of money is
ely necessary to the welfare of such pro-

tection district, and there is no m
of such district to make such n
ture, or the money in such fund
make such necessary expenditur
of supervisors may advance su
the general fund of the county
shall be a credit to the county
the assessments against the co
tent; or if such money advanced
assessments against the county,
there is sufficient money in the f
tection district to pay the exce
supervisors shall direct the cou
transfer to the general fund fro
such protection district, a sum
balance the accounts.

Sec. 29. The provisions of this
erally construed to promote the

This act shall take effect and
and after its passage.

The former act for the format
districts may be found in statut
[Ban. ed. 227.] This act was am
1889, Stats. 1889, p. 366.

TITLE 217.

PUBLIC ADMINISTRA

Acts relating to, see Political
title, Public Administrator, p

TITLE 218.

PUBLIC DEBT.

An act to provide for the redem
ment of certain funded debt
state, together with interest
an appropriation therefor, and
state controller and state trea
the sum of one hundred and t
dollars from the general fund
and sinking fund to carry ou
of this act.

s act was approved Feb. 27, 1893, Stats. 1893,

ct to provide for the payment of funded in-
btedness of the state of California, and to
ntract a funded debt for that purpose.
roved March 31, 1891; Stats. 1891, p. 210.]
act created a board of commissioners to is-
onds for the purpose indicated and provided
e sale and redemption of the bonds.

ct to provide for the payment of all private
aims allowed by the legislature of the thirty-
st session, out of the revenues of the forty-
venth fiscal year.
roved March 28, 1895; Stats. 1895, chap.
ccxx. In effect immediately.]

t authorizing the common council, board of
stees, or other governing body of any incor-
rated city or town other than cities of the
st class to refund its indebtedness, to issue
nds therefor, and to provide for the pay-
nt of the same.
approved March 9, 1897; Stats. 1897, chap
lxxxii.]

eople of the state of California, represented
senate and assembly, do enact as follows:

1. The common council, board of trustees
er governing body of any incorporated city
n other than cities of the first class, in this
having an outstanding indebtedness, evi-
d by bonds or warrants thereof, is empow-
by a two-thirds vote of its number, to fund
und the same and issue bonds of such city
wn therefor in sums of not less than one
ed dollars nor more than one thousand dol-
ach, and having not more than forty years
. and bearing a rate of interest not exceed-
x per cent. per annum, payable semi-annu-
provided, that no indebtedness shall be re-
d at a higher rate of interest than that

borne by the original debt. Such b
of the character known as "serials,"
one fortieth of the principal being
year, together with the interest due
unpaid. Principal and interest o
shall be payable in gold coin or
money of the United States, as may
in said bonds, at the office of the tre
city or town. Said bonds shall be
manner provided by such city cou
governing body, to the highest bid
for not less than their face value,
character of money as that in wh
payable. The proceeds of such s
placed in the treasury of such city o
credit of the "funding fund," and sh
only to refunding the indebtedness f
bonds were issued. Said trustees,
erning body, shall at the time for fi
eral tax levy for each year, and in t
ner as such tax levy is made, levy
sufficient money to pay one-fortieth
principal of said bonds issued under
also the annual interest upon the su

Sec. 2. Whenever sufficient mon
funding fund, in the hands of the tr
deem one or more of the outstandi
posed to be refunded, he shall publish
for two weeks in some newspaper o
culation published in such city or t
be any, a notice to the effect that h
to pay such bond or bonds (giving
thereof), and if the same are not pre
demption within thirty days after t
cation of such notice, the interest o
will cease. He shall, at the same ti
the post office a copy of such notice,
sealed envelope, with the postage pai
dressed to the owner or owners of
bonds, at the post office address of s
owners, as shown by the record th
the treasurer's office. If such bond
not presented within the time spec
notice, the interest thereon shall th
the amount due be set aside for th
the same, whenever presented. All
bonds shall be made according to t

rder of their issuance, beginning at the first
ber. Whenever such outstanding bonds are
ndered and paid, the treasurer shall proceed
ncel the same by indorsing on the face there-
e amount for which they are received, the
"canceled" and the date of cancellation. He
also keep a record of such bonds so re-
ed, and shall make a report of the same to
ommon council, or other governing body of
city or town, at least once a month, accom-
ng the same therewith by the bonds which
been taken up and canceled.
3. All moneys which shall remain in said
ng fund after all outstanding bonds as were
sed to be refunded have been taken up and
led, shall be paid into the general fund of
city or town, and become a part thereof.
4. Chapter eighty-two of the statutes of
een hundred and eighty-three, chapter forty-
of the statutes of eighteen hundred and
-three, and chapter one hundred and seven-
of the statutes of eighteen hundred and
-five, all being laws of the state of Califor-
conflict herewith, are hereby repealed.
5. This act shall take effect and be in
immediately after its passage.

act repealed the act of March 15, 1883;
1883, p. 370, and the amendatory act of
27, 1895; Stats. 1895, p. 203, providing for
efunding of indebtedness and the issuing
ds.

t to provide for the funding of certain in-
btedness of the several counties of th's
te, and the issuance of bonds therefor.

Approved February 26, 1889; 1889, 37.]

anding indebtedness of counties, when may
funded.
1. Whenever any county shall have had
elve o'clock meridian, on the first day of
ry eighteen hundred and eighty, an out-
ng indebtedness evidenced by bonds or war
thereof, theretofore legally issued, and such
edness, or any part thereof, shall have been
fter paid out of the income and revenue re-

ceived by such county since that
county shall have since that date
an indebtedness evidenced by wa
and which warrants shall not ha
reason of such application of the
of such county to the payment
ness of former years, the board o
such county, by a vote of two t
members thereof, are empowered
it for the public interest, to fund
tioned indebtedness and to issue
county therefor, in the manner
division fourteen of section twen
entitled "An act to establish a un
county and township governm
March fourteenth, eighteen hund
three; and all the provisions of
of said section shall apply to th
posal, and payment of such bonds
of taxes for the redemption of the
herein otherwise provided.

When not permitted.

Sec. 2. No indebtedness of such
funded under the provisions of th
any year exceeded the income a
vided for such county for such
shall exceed the amount of the
which shall have been so applied to
indebtedness outstanding at twel
dian on the first day of January, e
and eighty.

Statement.

Sec. 3. Such bonds shall, in
matters required to be stated the
visions of the above-mentioned
statement that they are issued und
of this act, referring to the same
date of passage.

Exchange of bonds for warrants

Sec. 4. Such bonds, when issu
changed by the county treasurer,
tion of the board of supervisors, o
of such county legally issued sinc
meridian on the first day of Ja
hundred and eighty, which, tog
rants theretofore issued, did not,
ceed the income and revenue p

y for such year, and which shall remain un-
ecause the revenue, otherwise applicable to
ayment of the same, shall have been so ap-
to the payment of the indebtedness of former
If any portion of such bonds shall be sold
oney, the proceeds thereof shall be applied
ively to the payment of the warrants men-
in this section.
5. This act shall take effect immediately.

t authorizing the board of supervisors of any
unty, or any subdivision of a county, having
bonded debt, to refund such debt at a less
e of interest.

[Approved March 18, 1885.]

1. When any county in this state, or any
ision thereof, has an existing bonded debt,
ard of supervisors of such county may, at
me after it has become known that any per-
persons, company, firm, or corporation is
to purchase such bonds at a lower rate of
t than the bonds already in existence bear,
such indebtedness, or any part thereof, by
new bonds, of the same denomination and
same form as the existing bonds, and sub-
g such new issue for the existing bonds.
2. Before taking any steps to refund such
indebtedness, as provided in the preceding
, the board of supervisors shall notify the
or holders of existing bonds, either by per-
service or by publication for one month in
icial county newspaper, that unless he or
hall, within thirty days after the service of
notice, present the bonds held by him or
o such board of supervisors, at a place to be
in said notice, and consent to a reduction
interest thereon to as low a rate as is of-
by any other person or persons, firm, com-
or corporation, the board of supervisors will
d to cancel such bonds by payment of the
al and interest thereon accrued.
3. The board of supervisors of any county
ch such bonds have been issued is hereby
ized to cancel at any time any outstanding
by paying the principal and interest due
n at the time of cancellation, and issuing in
ereof new bonds at a less rate of interest.

An act providing for submitting t
qualified electors of a county
county, a proposal to issue bo

[Approved March 15, 1883;

Issue of bonds to be submitted to

Sec. 1. Any county, or city a
which the board of supervisors
resolution that the income and r
for it for the fiscal year ending
eighteen hundred and eighty-thr
sufficient to carry on the govern
county, or city and county, until
ment of the fiscal year beginning
een hundred and eighty-three, ma
adopted by a majority of such boa
approval of the presiding officer
to a vote of the qualified electors
or city and county, a propositi
bonds of such county, or city and
not to exceed five hundred thou
accordance with section eighteen
of the constitution of the state of

Supervisors to issue and negotiate

Sec. 2. The said board of super
ed full power and authority to
nance for the printing, signing, c
tion, and issuance of all bonds
sions of this act, and for their neg
exchange for cash, or for county, o
ty indebtedness: provided, that s
not be sold below par.

Sinking fund created.

Sec. 3. Before any election is h
the question of the issuance of
board of supervisors may provid
for the collection of an annual
pay the interest on any bonds w
sued under the provisions of this
terest falls due, and also to cons
fund to pay the principal of said
to be fixed by said board of super
than twenty years from the date o
said ordinance.

ng of election.
c. 4. Whenever the said board of supervisors
, by resolution, so request, it shall be the
of all officers, boards, and commissioners, to
an election as herein, and by said board of
rvisors provided for, and at the time (which
not be less than ten days) provided for by
board of supervisors; and at said election the
ters used at the last general or special elec-
shall be used without new registration.
c. 5. This act shall be in force from and after
assage.

ct to authorize the several counties of this
tate to create a bonded indebtedness for cer-
in purposes.

[Approved March 19, 1889; 1889, 348.]

nce of bonds to pay county indebtedness, not
reated by law, to be submitted to a vote.
tion 1. Whenever it shall appear to the sat-
tion of the board of supervisors of any coun-
this state that said county is justly indebted
y person or persons for money received into
reasury of said county, and used by said
y, and which said indebtedness at the time
s creation was not authorized by law, they
by ordinance, declare that said county is
y indebted to the person or persons named in
ordinance, in a sum named therein, and that
uestion of issuing bonds in the sum therein
d, for the purpose of paying said debt, shall
bmitted to a vote of the legal voters of said
y.
e of election.
. 2. The supervisors of said county shall
upon publish a notice calling an election to
eld in said county, submitting to the voters
id county the question whether said bonds
be issued or not. The notice shall state the
nt of bonds to be issued, the purpose for
h they are issued; said notice shall be pub-
d, and the election held as provided by sec-
thirty-seven of the act of the legislature of
tate of California, entitled "An act to estab-
Gen. Laws—82.

lish a uniform system of coun
governments," approved March
een hundred and eighty-three.

Return.

Sec. 3. If upon return of the
appear that two thirds of all th
such election have voted in fav
bonds, the supervisors are requi
in the sum named in the notice
ble to the creditors named in sa
bonds shall bear interest at th
cent. per annum, and shall be
time as the board of supervisor
exceeding twenty years from da
signed by the chairman of the
visors and county clerk.

Tax levy to pay interest.

Sec. 4. It shall be the duty o
pervisors each year to levy a ta
the annual interest on said bond
principal as the same shall beco

This act is to take effect from
age.

An act to authorize cities of not
six thousand nor more tha
inhabitants, to vote upon th
ing indebtedness incurred
and 1890.

[Approved February 20, 1891:

Sec. 1. The board of trustees
body of all cities of not less tha
sand nor more than thirty tho
are hereby authorized to submi
electors of such city, at either a
cipal election in said city, or sp
question whether or not any
curred by or claimed to be du
contracted in the years eightee
eighty-nine and eighteen hu
shall be paid.

Sec. 2. Said board of trustees
ing body shall specify particular
ition for such election, the amou

tedness, and for what services it is claimed
due, and shall specify, if the election is a
al one, the form of ballots to be used by the
rs, and the time, place and manner of hold-
aid election and canvassing the returns
of, and declaring the result thereof. If
question is voted upon at a general
unicipal election, the ballots shall con-
he words, "For the payment—Yes" and "For
ayment—No," in addition to the other mat-
contained therein.

3. If two thirds of the votes cast upon
question vote in the affirmative, the said
l of trustees or other governing body shall
diately order paid, as other claims against
city are paid, the said amount so voted; and
hat purpose shall be and are hereby author-
to incorporate the said amount in the next
evy, if the same has not been already levied,
he year in which such election is held; and
ch tax levy has been levied, then they shall
a new assessment and levy for the said
nt, using the last assessment roll as a basis
for.

4. This act shall take effect and be in force
and after its passage.

ct to prohibit the creation of debts against
he state in excess of appropriations made by
w except in cases of actual necessity, and on
nsent of the board of examiners.

pproved March 23, 1893; Stats. 1893, p. 285.]

1. No officer or employee in the service of
tate shall have power to create any deficiency
cess of any appropriation of money made by
except in case of actual necessity, and only
upon the written authority, first obtained, of
overnor, secretary of state, and attorney-gen-
and any indebtedness attempted to be creat-
ainst the state in violation of the provisions
is act shall be absolutely null and void, and
not be allowed by the state board of examin-

2. This act shall take effect from and after
assage.

TITLE 219.

PUBLIC HEALTH.

Act relating to, see Penal Code, A
Public Health, p. 608.

An Act to create the office of attorne
board of health and the board o
city and county of San Francisc
[Approved March 31, 1891: Stats.

An Act to appropriate money to pre
duction of contagious dis
[Approved March 23, 1893; Stats.
Fifty thousand dollars was appr

An Act to appropriate money to
troduction of contagious and
eases.
[Approved March 4, 1887; 1
Ten thousand dollars was approp
purpose.

An Act to prevent the introduction
or infectious diseases into the
fornia.
[Approved March 15, 1883; 1

Railroad cars to be inspected.

Section 1. Whenever there shal
opinion of the state board of hea
danger of the introduction of conta
tious diseases into the state of
means of railroad communicati
states, the said state board of hea
ized, and it is hereby made their
or cause to be made, by an accre
inspector, an inspection of all railr
ing into the state at such point, o
points within the state limits as m
for the purpose.

ıtion of train a minimum.
. 2. Such inspection shall be made, where icable, during the ordinary detention of a at a station, or while in transit between sta- and in all cases shall be so conducted as to ion the least possible detention or interrup- f travel or inconvenience to the railroad com- s, so far as consistent with the purposes of ıct.
ted cars to be side-tracked.
. 3. Should the discovery be made of the ex- e among the passengers of any case or cases ngerous, contagious, or infectious disease, the board of health, or their agent or inspector, rules and conditions prescribed by them as applicable to the nature of the disease, shall power to cause the side-tracking or deten- of any car or cars so infected, to isolate the or remove them to a suitable place for treat- , to establish a suitable refuge-station, to the passengers and materials in such infect- r to be subjected to disinfection and cleansing e proceeding farther into the state, and, in ase of small-pox, to offer free vaccination to ersons exposed in any car or at any station.
opriation.
. 4. The sum of five hundred dollars is here- propriated out of any moneys in the treasury otherwise appropriated, to be expended solely he purposes of this act, and all expenditures n authorized shall be specified in an itemized ınt to be presented to the state board of ex- ers, and paid as other demands on the treas- ıre paid; provided, that in no case shall the expended exceed that herein specially appro- ed for the purpose.
. 5. This act shall take effect from and after assage.

ct to authorize the state board of health to urchase and manufacture diphtheria anti-tox- ıe, and to appropriate six thousand dollars erefor.
roved March 12, 1895; Stats. 1895, chap. xxxix., In effect immediately.]

An act to establish and maintain
the city of Sacramento.

[Approved March 23, 1872;

An Act entitled "An act to gr
health in cities, and cities
power to regulate the plumb
of buildings."

[Approved March 15, 1883

Plumbers required to register.

Section 1. Every master or jo
er carrying on his trade shall,
and regulations as the board o
county, or city and county, shal
ter his name and address at th
such county, or city and count
said date it shall not be lawful
carry on the trade of plumbing
city and county, unless his nam
registered as above provided.

Publication.

Sec. 2. A list of the register
be published in the yearly repo
office.

Board of health to approve plans

Sec. 3. The drainage and plum
ings, both public and private, he
any county, or city and county,
in accordance with plans previo
writing, by the board of healt
or city and county; suitable drav
tion of the said drainage and p
each case, be submitted and pla
health-office. The said board o
authorized to receive and place
and descriptions of the drainage
buildings erected prior to the
act.

Supervisors to apportion tax.

Sec. 4. The boards of supervi
or county officials, whose duty
portionments for the board of he
ty, or city and county, shall ma

ortionments, and shall insert the same in the
ly tax levy, to provide for carrying out the
isions of this act.

rt of record may enjoin.

c. 5. Any court of record in said county, or
and county, or any judge or justice thereof,
l have power at any time after the service of
ce of the violation of any of the provisions of
act, and upon the affidavit of the health-offi-
or a member of the board of health of such
ty, or city and county, to restrain by injunc-
order the further violation named in this act,
f any work upon or about the building or
ises upon which the said violation exists, and
undertaking shall be required as a condition
he granting or issuing of such injunction or
eason thereof.

c. 6. Any person violating any of the provis-
of this act shall be deemed guilty of a misde-
nor.

c. 7. This act shall take effect immediately.

act to grant to boards of health or health-offi-
cers, in cities, and cities and counties, the
power to regulate the plumbing and drainage
of buildings, and to provide for the registration
of plumbers.

[Approved March 3, 1885; 1885, 12.]

ense from board of health.

ction 1. It shall not be lawful for any per-
to carry on business, or labor as a master or
neyman plumber, in any incorporated city, or
ny city and county, in this state until he shall
e obtained from the board of health of said
or city and county a license authorizing him
arry on business, or labor as such mechanic.
cense so to do shall be issued only after a sat-
ctory examination by the board of each appli-
upon his qualifications to conduct such busi-
or to so labor. All applications for license,
all licenses issued, shall state the name in
age, nativity, and place of residence of the
icant or person so licensed. It shall be the
of the secretary of each board of health to
a record of all such licenses issued, together

ment, approved March 9, 1887; Sta
In effect immediately.]

Publish list in yearly report.

Section 2. A list of all licensed
be published in the yearly report of
cer or board of health. [Amendn
March 9, 1887; Stats 1887, p. 58.
diately.]

Plans of plumbing.

Sec. 3. The drainage and plumbi
ings, both public and private, here
any city, or city and county, shall
accordance with plans previousl
writing by the board of health of s
and county, and suitable drawings
of the said drainage and plumbing
case, be submitted to the board
placed on file in the health-office.
of health is also authorized to re
on file drawings and descriptions
and plumbing of buildings erecte
passage of this act.

Tax levy.

Sec. 4. The board of supervisor
or city and county, officials whos
make appropriations and tax levi
purposes of such city, or city an
make the necessary appropriations
and shall insert the same in the
to provide for carrying out the pr
act. Such appropriations and levy
at the same time and in the same
propriations and tax levies are mad
or city and county, purposes.

Where no board of health.

Sec. 5. In any city, or city and
there is under existing laws, a he
no board of health, such health-o
form all the duties required by
board of health until a board of
created, and in any city, or city an
there is no health-officer nor boar
board of supervisors or city counc
nicipal legislative board or body,
board of health, who shall perfor
required by this act of the boar
health-officer.

tion.

6. Any superior court, or judge thereof, ave power to restrain by injunction the con- ce of work to be done upon or about build- r premises where the provisions of this act ot been complied with, and no undertaking e required as a condition to the granting or of such injunction, or by reason thereof.

y.

7. Any person violating any of the pro- s of this act shall be deemed guilty of a meanor, and upon conviction shall be pun- accordingly.

8. This act shall take effect immediately.

ct to encourage and provide for a general vaccination in the state of California.

Approved February 20, 1889; 1889, 32.]

sion of children from schools unless vaccin- ed.

ion 1. The trustees of the several common districts in this state, and boards of com- school government in the several cities and , are directed to exclude from the benefits common schools therein any child or any who has not been vaccinated, until such when said child or person shall be successful- ccinated; provided, that any practicing and ed physician may certify that the child or has used due diligence and cannot be vac- d so as to produce a successful vaccination, upon such child or person shall be excepted the operation of this act.

by school trustees.

2. The trustees or local boards, annually, such special times to be stated by the state of health, must give at least ten days' no- y posting a notice in two or more public or icuous places within their jurisdiction, that ion has been made for the vaccination of hild of suitable age who may desire to at the common schools, and whose parents or ians are pecuniarily or otherwise unable to re vaccination for such child.

List of children not vaccinated.

Sec. 3. The said trustees or boa
sixty days after the passage of t
ery year thereafter, ascertain the
dren or persons in their respective
or subdivision of the city school g
of an age suitable to attend comm
have not been already vaccinated,
of the names of all such children
shall also be the duty of said trus
provide, for the vaccination of a
or persons in their respective sc
good and reliable vaccine virus wh
cinate such children or persons wh
vaccinated. And when so vaccin
certificate of vaccination, which
be evidence thereof for the purpo
with section one.

Expenses for, how paid.

Sec. 4. The necessary expenses
provisions of this act shall be
common school moneys apportione
city, or town. And if there be no
ey, the trustees must notify the
visors of the amount of money ne
board must, at the time of levying
levy a tax upon the taxable prop
trict sufficient to raise the amoun
rate of taxation is ascertained by d
per cent for delinquencies from
and the rate must be based upon
The tax so levied must be compu
upon the assessment roll by the
and collected at the same time a
manner as state and county taxes
lected shall be paid into the coun
the use of the district.

Annual report of trustees.

Sec. 5. The trustees of the sev
tricts of this state are hereby req
in their annual report, and report
of the state board of health, the
several districts between the ages
enteen years who are vaccinated,
unvaccinated.

Sec. 6. This act shall take effec

TITLE 220.

PUBLIC LANDS.

State Lands; reference to acts relating to.
nte, p. 551.

to protect settlers, see post, Settlers.

ct for the better protection of settlers on the
ublic lands of the United States within the
ate of California, and for the protection and
ncouragement of persons desirous of settling
ereon.

[Approved March 15, 1887; 1887, 147.]

ing crime, and punishment for violation.
tion 1. Every person who shall unlawfully
nt, hinder, or obstruct any person from
ably entering upon or establishing a settle-
or residence on any tract of public land of
nited States within the state of California,
ct to settlement or entry under any of the
c land laws of the United States; or who shall
wfully hinder, prevent, or obstruct free pass-
ver or through the public lands of the United
s within the state of California, for the pur-
of entry, settlement, or residence, as afore-
is guilty of a misdemeanor, and is punishable
e of not less than fifty dollars nor more than
undred and fifty dollars, or by imprisonment
e county jail not exceeding six months, and
be punished by both such fine and imprison-
in the sound discretion of the court.
2. This act shall take effect immediately.

TITLE 221.

PUBLIC MARK

An act to authorize the state commissioners to establish free public market upon the Francisco, and providing for regulations thereof.

[Stat. approved March 29, 1897; clxxv.]

The people of the state of Calif in senate and assembly, do

Section 1. The board of stat sioners shall set apart upon son tion of the water-front of San cient number of docks and pie contiguous to each other, for t perishable products, arriving other conveyance, including eggs, poultry, game, dairy pro coming into San Francisco and sale of such products thereon, of producers only, under such r be prescribed by the said har and as the public convenience

Sec. 2. The docks and piers free public market shall be as c ble to that portion of the city Francisco in which the princip in perishable products is now must be so situated as to be water craft ordinarily employe products upon the waters of S and vessels so loaded shall hav docking at said wharves over gaged.

Sec. 3. Docking room at said signed without partiality to a in the transportation of such space assigned shall be sufficie vessels regularly running upon and discharge their entire car ucts at such piers, if they so d commissioners shall construct nect the docks and piers so set public market with the belt

of these tracks the state harbor commission-
shall prescribe such regulations as public con-
lence may require, and fix the compensation
e paid by the companies making use of them
this purpose.
c. 4. The harbor commissioners must con-
ct suitable tramways and tracks or other de-
s for the rapid conveyance of perishable
ducts from car or boat or other conveyance.
he stalls in the free market, and operate the
e.
c. 5. The harbor commissioners shall assign
e within the free market to all producers of
shable products, under such regulations as
harbor commissioners may prescribe. No
al shall be charged for space in the free mar-
Any violation of this act, or of the regula-
s made pursuant thereof, shall exclude the
on or firm guilty of such violation from the
ilege of selling in the free market, during the
sure of the harbor commissioners, not exceed-
one year in addition to any other penalty
ch may be incurred thereby.
c. 6. For the payment of the expenses of
free market the harbor commissioners may,
heir judgment, so adjust the tolls as to pro-
the necessary revenue.
c. 7. The officers of said free market shall be
uperintendent and assistant superintendent,
shall also be secretary, and such other em-
ees as the state board of harbor commission-
may appoint. The salary of all employees of
free market shall be fixed by the state board
arbor commissioners.
c. 8. All officers and employees of any pub-
narket on the state property are officers and
loyees of the state, and shall qualify in the
e manner as other employees, and give such
ds as the harbor commissioners may pre-
be.

TITLE 222.

PUBLIC PARKS.

he following is a list of acts relating to public
s:

An act to authorize the comm
boards of supervisors of t
counties, and cities and cou
to levy taxes for the mai
parks having an area of o
within their respective limi

[Approved March 8, 188

An act to enable incorporated
ties" and "cities" and "to
maintain, and improve publi
vards.

[Approved March 19, 188

An act to provide for the mai
port of the public parks
within the various cities a
ties of the state, and to a
acts in relation thereto.

[Approved March 14, 188

See amendments to this act
1893, p. 79 and p. 343.

An act authorizing the commis
lic park in this state, and
commissioners of Golden
Francisco, to accept donat
in aid of the improvement
of their respective parks,
funds derived therefrom.

[Approved March 9, 188

An act to authorize cities and
lic parks outside of their
construct, and maintain r
boulevards from the bound
or towns to, into, and th
and to acquire lands for tha

[Became a law, under const
without governor's approval, M
1897; chap. xlix.]

t to extend the jurisdiction and authority of ies and towns over parks owned by them uated beyond the limits of such cities and wns, and over streets and avenues leading the same.

ame a law, under constitutional provision, ut the governor's approval, March 1, 1897; 1897, chap. li.]

t giving the consent of the state of Califor- a to the reservation of certain lands by con- ess.

proved March 14, 1891; Stats. 1891, 107.]

s act granted the consent of the state to reservations.

TITLE 223.

PUBLIC WORKS.

ct creating a commissioner of public works, efining his duties and powers, and fixing his mpensation.

roved March 21, 1899; Stats. 1899, chap. cxxvi.]

tion 1. There is hereby created a commis- of public works, to be appointed by the gov- He shall hold office for the term of four or until his successor shall be appointed ualified. In case of vacancy occasioned by resignation, or otherwise, the governor shall nt his successor; provided, that any appoint- made to fill a vacancy shall be only for the ired portion of the term for which the origi- ppointment was made. Said officer, before ng upon the discharge of his duty, shall take subscribe the official oath, and execute an l bond in the sum of six thousand dollars, approved by the governor, and filed and re-

corded in the office of the secretary
the case of bonds of other state
commissioner shall receive a salary
hundred dollars per annum, paya
installments, and shall be allowed
eling and other necessary incident
curred while in the performance o

Sec. 2. The commissioner shal
duties in the examination of land
undation and overflow by floodwa
waters causing and making such
overflow, and in the preparation o
timates of cost for works to regul
such floodwaters, as he may be
form from time to time by the gov
other duties in the examination, s
management of public works, con
ried on by the state, or under sta
under any law of the state, as he
to from time to time by law. He
the approval of the auditing board,
to employ such engineers and assis
deem necessary to carry out the p
act, or to perform any duties impo
upon said commissioner, and to fix
tion, subject to the approval of the

Sec. 3. An act entitled "An act
missioner of public works, definin
powers, prescribing his compensat
appropriation," approved March
eighteen hundred and ninety-th
amend an act entitled 'An act c
missioner of public works, definin
powers, prescribing his compensati
appropriation,' approved March
eighteen hundred and ninety-three
office of commissioner of public w
February twenty-fifth, eighteen
ninety-seven, and all other acts a
in conflict with the provisions of t
by expressly repealed. This act sh
as a renewal and continuation of t
missioner of public works.

Sec. 4. This act shall take effec

Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the state of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof.

[Approved March 20, 1899; Stats. 1899, ch. cxiv.]

Act to provide for, insure, and maintain preference in the appointment, employment, and retention in the public service, and upon public works of the state of California, of honorably discharged ex-Union soldiers, sailors, and marines of the war of the rebellion.

[Approved March 31, 1891; Stats. 1891, p. 289.]

Act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act.

[Act. approved March 17, 1897; Stats. 1897; chap. cxiv.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sec. 1. Within thirty days after the passage of this act, the governor shall appoint five persons who shall be citizens of the state of California, and not all members of the same political party, and who, after the first appointment, shall hold office for four years after their appointment, who

shall be known as the auditing b
missioner of public works. They
teen days after receiving notice
ment, meet in the city of Sacrame
by selecting from their number
secretary. But of those appointe
the term of office of two shall b
and the term of the others for fo
governor shall designate, in th
their respective terms. Thereafte
pointed for four years. All va
filled in like manner by appoin
governor, but the person appoin
cancy shall fill only the unexpired
ber thereof shall recover any com
ever, but they may be paid their
eling expenses in attending meeti
ed by the board of examiners. Th
Sacramento city once in two mon
if required.

Sec. 2. For the purposes of thi
of the commissioner of public w
vember sixteen, eighteen hundred
and accompanying reports and pl
shall be adopted and made the ba
and the plans therein specified
drainage and improving and rectif
nels, shall, as far as practicable
and finished as herein provided.

Sec. 3. The commissioner of pu
have charge and superintendence
thorized by this act, and shall e
all employees, but no expenditur
without the sanction of the audit
Commissioner of public works
the character and extent of the
in accordance with the said report
full power to carry on and compl

Sec. 4. There is hereby appropr
money in the state treasury not
priated, the sum of three hundre
lars, to be paid to the said audi
to be expended for the purposes h
fied, to wit: for the purchase, c
operation of one or more dredge
and appliances to improve and

els of the state of California, so as to pro-
drainage and to protect towns and cities of
ate of California from inundation, as out-
and described in the said report of commis-
of public works; to erect, build, and con-
embankments, and other works, where nec-
, for carrying out the purposes of this act;
nploy persons in and about said work,
purchase such supplies as may be neces-
or the carrying on of the same, and for do-
other work described in said report, to im-
and rectify river channels so as to promote
ge.

5. The commissioner of public works shall
power to employ such persons in and about
vork as the auditing board may determine
necessary, at a compensation to be fixed by
uditing board. All contracts for the pur-
of material and supplies, or for such work
be done by contract, where the expense
f shall exceed the sum of five hundred dol-
hall be awarded to the lowest bidder, at a
letting thereof, and after a notice to bidders
published in one newspaper published in the
f Sacramento, one in Stockton, and one in
rancisco, for at least one week; provided,
t least two weeks shall intervene between
st publication of said notice, and the time for
g bids; provided, the said bid is a fair and
able one. All bids required by this act shall
ompanied by such security as the auditing
may require, conditioned upon the bidder
ng into a contract upon the terms of his bid,
tice of the acceptance thereof, and furnish-
penal bond, with good and sufficient sureties,
h sum as the auditing board may require,
o their satisfaction, that he will faithfully
m his contract. If all the bids made at
letting are deemed unreasonably high, the
may, in their discretion, decline to contract,
nay again advertise for such time and in
apers as they see proper, for proposals, and
o continue to renew the advertisement un-
tisfactory contracts are made; and in the
ime the board may contract for articles and
es for immediate and temporary use, with

any one whose offer is regarded a
able, or may purchase in the op
bid shall be accepted, nor a contr
in pursuance thereof, when suc
than any other bid at the same
same class or schedule of articles
ered, and when a contract can
lower bid. When two or more bi
article or articles are equal in an
may select the one which, all th
may by them be thought best fo
the state, or they may divide t
tween the bidders as in their judg
proper and right. The board sh
to let a contract in the aggrega
segregate the items, and enter
with the bidder or bidders who m
the several articles. The board
power to reject the bid of any pe
prior contract and who had not,
the board, faithfully complied the
ever, any sudden emergency shou
ing it necessary, in the judgment
board, to protect works already
prevent any work in process of
ing damaged by storms or flood
mediate repairs or work should b
commissioner of public works sh
to perform such work, or make
the manner which to him seems

Sec. 6. It will not be necessa
sanction of any other board or o
ing of any work, or the letting
except as herein specified, but all
audited by the state board of ex
vided for by law.

Sec. 7. The auditing board m
right of way necessary for the p
the work outlined and described
the commissioner of public work
chase or condemn all land and ma
to carry out such plans of drainag
erally connect with, enlarge or
work of construction, and may co
which may be by them deemed

es of the act, and it is hereby declared that urposes are a public use and that said ap- ation is for the public benefit; provided, er, that they shall not interfere with any g reclamation work or cut ditches or drains t the consent of the board of trustees there- n, or over any lands situated in any swamp reclamation, levee, or protection district.

8. Whenever the auditing board cannot e from the owner or owners thereof, with- rchase, the right of way or material need- the construction of such works as are de- in the said report of the commissioner of works, or cannot procure the consent to connect with any existing works, or pro- nds necessary for the construction and com- of the said system and plan described in port, the said auditing board may, in their ame or in the name of the state of Califor oceed to condemn the same under the pro- of title seven, part three, of the Code of Procedure, and amendments thereto, which w existing or which may hereafter be provided, that cities, towns, levee districts, land districts, reclamation districts, pro- districts, and all municipal corporations levees, reclamation, or protection works ave and retain the exclusive management ntrol thereof, subject to the right to con- e work as herein provided.

9. Any member of the auditing board, or mmissioner of public works, or any appointee loyee of either, who shall be interested in ntract for the construction of any work ed for by this act, shall be guilty of a fel-

10. Nothing contained in this act shall in anner affect the laws in force in reclama- nd levee districts, nor shall any levees be ned nor purchased under the provisions of t.

11. The controller is hereby directed to his warrant in favor of the said auditing for the amount appropriated by this act, e treasurer is hereby directed to pay the

Sec. 12. All acts and parts of
with this act are hereby repealed
Sec. 13. This act shall take ef
from and after its passage.

An Act fixing the minimum rate
for labor on public w

[Stat. approved March 9, 1897; S
lxxxviii.]

The People of the State of Califo
in Senate and Assembly, do ena

Section 1. The minimum com
paid for labor upon all work perf
direction, control, or by the auth
cer of this state acting in his off
under the direction, control, or
of any municipal corporation wit
of any officer thereof acting as
fixed at two (2) dollars per day;
to that effect must be made a
tracts to which the state, or any
ration therein, is a party; provide
this act shall not apply to person
larly in any of the public institut
or any city, city and county, or c
Sec. 2. This act shall take effe

An Act to secure the payment
materialmen, mechanics, or
ed by contractors upon sta
other public work.

[Stat. approved March 27, 1897;
cxl.]

The People of the State of Califo
in Senate and Assembly, do en

Section 1. Every contractor,
or corporation, to whom is award
the execution or performance of
cavating, or other mechanical wo
or by any county, city and coun
district therein, shall, before en
performance of such work, file v

s, managers, trustees, officers, board of su-
ors, board of trustees, common council, or
body by whom such contract was awarded,
l and sufficient bond, to be approved by such
cting body, officers, or board, in a sum not
han one half of the total amount payable
e terms of the contract; such bond shall be
ted by the contractor, and at least two sure-
n an amount not less than the sum specified
e bond, and must provide that if the con-
r, person, company or corporation, fails to
or any materials or supplies furnished for
erformance of the work contracted to be
or for any work or labor done thereon of
ind, that the sureties will pay the same, in
ount not exceeding the sum specified in the
provided, that such claims shall be filed as
ter required.

2. Any materialman, person, company, or
ation, furnishing materials or supplies, used
performance of the work contracted to be
ted or performed, or any person who per-
d work or labor upon the same or any person
upplies both work and materials, and whose
has not been paid by the contractor, com-
or corporation, to whom the contract has
awarded, shall, within thirty days from the
such work is completed, file with the com-
oners, managers, trustees, officers, board of
visors, board of trustees, common council, or
body by whom such contract was awarded,
fied statement of such claims, together with
ement that the same has not been paid. At
ime within ninety days after the filing of
claim, the person, company, or corporation
the same may commence an action against
ureties on the bond, specified and required
ction one hereof.

3. This act shall take effect immediately.

An Act conferring power upon t
cil, board of supervisors, or
body of cities, or cities and
one hundred thousand inhab
or condemn land for a suital
thereon a suitable building
municipal purposes.

[Stat. approved March 27, 1895;
cxcviii.]

The People of the State of Calif
in Senate and Assembly, do

Section 1. Power and authori
ferred upon the common counci
visors, or other governing body
city and county, in this state ha
of over one hundred thousand in
vide for the erection and constru
or city and county, and at the ex
such additional or other munic
buildings as the common counci
visors, or other governing body
city and county, may determine
commodation of the criminal d
superior court, police courts, po
ons, morgues, or coroner's office
city and county, and for such oth
as may be deemed necessary.

Sec. 2. In the event that the
board of supervisors, or other g
such city, or city and county, sh
dient, and in their judgment tha
requires the construction of s
buildings, for the construction o
conferred upon them by section
in the manner and mode prescr
they are hereby authorized and
press such judgment by resolu
such manner as they may deem
the purpose of raising the mo
complete said building or buildi
mon council, board of supervis
erning body of such city, or ci
hereby authorized and empow
collect, in the same manner and

other taxes are levied and collected in such , or city and county, for municipal purposes, ad valorem property tax on real and personal perty, which shall not in the aggregate exceed sum of three hundred thousand dollars, which shall cover all the expense of the said build- or buildings.

c. 3. As a site for the erection and construc- of said building or buildings, power is here- conferred upon the common council, board of rvisors, or other governing body of such city, ity and county, to acquire by purchase, or to lemn and acquire under the laws of eminent ain, such land as may be necessary therefor.

c. 4. The money arising from the tax hereby norized to be levied and collected shall be kept he city, city and county treasury of such city, ity and county in a fund to be known as the olic building fund," and out of which said l all claims for work, labor, and materials used ne construction of said building, and all other nses authorized to be incurred under the pro- ons of this act, shall be paid. All claims nst the said fund shall be allowed by the com- council, board of supervisors, or other gov- ng body of such city, or city and county, by lution entered upon the minutes in the same ner and form as other expenditures are au- ized, before the auditor shall be authorized to t the same; and in no case shall any portion aid fund be used or expended for any other ose than those herein indicated, nor shall any of the cost of the construction of said build- be paid out of any other or different fund; nor any lien for work, labor, or material at any attach to the said building or buildings, nor land upon which the same is located in any ner whatever.

c. 5. When work is to be done upon said ding or buildings, or materials to be furnished, all be the duty of the common council, board upervisors, or other governing body of such or city and county, to advertise for at least days in a daily newspaper published and cir- ted in such city, or city and county, for seal- roposals for doing both said work and fur- ing said material. The said work and ma-

terial shall be of the best quality.
ment shall contain a general de
work to be done and the materials
the time within which the same
furnished, and may refer to plan
tions for such other details as m
to give a correct understanding
work or materials. The advertis
state the day and an hour of sa
which bids will be received. A
day stated in the advertisement,
or body shall proceed to open the
ence of the bidders, and an abstr
be recorded in the minutes by th
and hour shall then be fixed for
bids and awarding the contract.
said bids, showing the name of
price at which work, labor, and
fered to be done or furnished by
other things as may be necessary
plain the offer, shall be made b
published for five days in a dai
general circulation published in
and county. At the expiration o
the first publication of the abst
and at the hour fixed by said bo
board or body shall proceed to co
bids and award the contract for
and supplying the material for
are invited, and for none other, t
der who shall furnish sufficient
antee the performance of the co
the advertisement hereinbefore p
invite proposals and bids, in o
amount, for the performance of
the furnishing of all the materi
the said advertisement for the en
tire building or buildings. Said bo
have the right to reject any or
their judgment the public interes
by promoted. Such contract shal
behalf of such city, or city and
mayor, or president of the comm
of supervisors, or other governi
city, or city and county. No cha
or specifications shall be made af
doing work and furnishing mat

l for, nor shall any contractor be allowed a
for work done or materials furnished in ex-
of his contract, except on the approval of said
non council, board of supervisors, or other
ning body of cities, or cities and counties;
ded, that the aggregate cost of any change,
anges, shall not exceed the sum of three
and dollars. All contracts shall be in writ-
nd shall be carefully drawn by the city at-
y, city and county attorney, or other law of-
of such city, or city and county, and shall
in detailed specifications of the work to be
the manner in which the same shall be ex-
l, the quality of the material, and the time
n which the same shall be completed; and
penalty for the non-performance of such
act as said board or body may deem just and
nable. All contracts shall be signed in tripli-
one copy of which, with the plans and speci-
ns of the work to be done, shall be filed with
erk or secretary of said board or body, and
at all times, in office hours, be open to the
tion of the public; one, with the plans and
ications, shall be kept in the office of said
or body, and the other copy, with plans and
ications, shall be delivered to the contrac-
[Amendment approved March 2, 1897; Stats.
chap. lv. In effect immediately.]

6. The common council, board of supervis-
r other governing body of such city, or city
ounty, may make payments on such contract
time to time, as work progresses or mate-
are furnished; but until the contract is com-
, at no time shall the payments exceed sev-
ive per centum of the value of the labor or
ials furnished.

7. The plans and specifications herein re-
l to shall be secured by said board or body
the publication for ten days in a daily news-
of general circulation in such city, or city
ounty, of a resolution inviting the submis-
of competitive plans and specifications for
building or buildings. Said resolution shall
in a general statement of the purposes for
said building or buildings are to be used,
ost thereof, and the character of the design
red. Said plans and specifications may be

submitted to such board or body
quirements and conditions, and
said board or body may prescribe
Sec. 8. This act shall take effec
from and after its passage.

An Act to regulate the erection of
and structures.

[Approved April 1, 1872; 1

Plans and specifications—Advertis
Section 1. When by any statu
power is given to any state or cou
ficers, or to any board of superv
tion, or any board of trustees or c
other person or persons created
authority of any such statute, to
to be erected or constructed, any
or other building or structure, it s
of said officer or officers, board of
poration, or board of trustees, o
or other person or persons, to ad
and specifications in detail for s
other structure, and to state in sa
the amount authorized by law or
expended for the erection of said
ture; and also the premium to be
architect whose plans and speci
same may be adopted.

Architect's bond for contract.
Sec. 2. Whenever the plans and
any architect shall be adopted, s
ficers, board of supervisors, or
board of trustees or commissione
son or persons so adopting the sa
any premium shall be awarded
and specifications, require such
cute and file with such officer or
supervisors, corporation, or boar
commissioners, or other person or
and sufficient bond, with two s
thereto, in the penal sum of five t
to be approved by such officer or
supervisors, corporation, or boar
commissioners, or other person or
case may be, and conditioned th

from the date of said bond he will, on pre-
ment to him, enter into a contract containing
provisions and conditions as may be required
uch officer or officers, board of supervisors,
oration, or board of trustees, or commissioners,
ther person or persons; and also conditioned
he will give such further bond to secure the
ful performance of such contract, with such
ties as may be required of him, in the event
such officer or officers, board of supervisors,
oration, or board of trustees or commissioners,
her person or persons, so acting under author-
f law, should, within said sixty days, require
architect to enter into such contract to erect
building or structure, at the price named in
advertisement to be expended for such pur-
In case said architect whose plans and
fications are adopted should enter into such
act, it shall be the duty of such officer or of-
, board of supervisors, corporation, or board
ustees or commissioners, or other person or
ons, to employ a competent architect or super-
dent to superintend the erection of such
ling or structure, and to see that such plans
specifications are faithfully carried out.

n contracts void.

. 3. All contracts entered into by such offi-
r officers, board of supervisors, corporation,
d of trustees, commissioners, or other person
ersons, in violation of the provisions of this
shall be null and void.

. 4. This act shall take effect and be in force
and after its passage.

ct to regulate contracts on behalf of the state,
in relation to erections and buildings.

[Approved March 23, 1876; 1875-6, 427.]

re contracting, plans to be furnished.

tion 1. That in all cases where the commis-
rs, directors, trustees, or other officer or of-
, to whom is confided by law the duty of de-
g and superintending the erection, alteration,
ion to, or improvement of any state institu-
asylum, or other improvement, erected, or
being erected, or to be erected, by the state.

such commissioners, directors, tr
officer or officers, before entering i
for the erection, alteration, addi
provement of such institution, a
improvement, or for the supply of
of, the aggregate cost of which ere
addition, or improvement, and ma
exceed the sum of three thousan
make, or procure to be made, a fu
accurate plan or plans of such ins
or other improvement, or of any
alteration or improvement thereof,
showing all the necessary details
gether with working plans suitabl
the mechanics or other builders
struction thereof, so drawn and r
be plain and easily understood; a
bills, showing the exact amount of
kinds of materials necessary in th
of, addition thereto, or in the
provement thereof, to accompany
plans; and also full and complete
the work to be done, showing t
style in which the same will
be done, giving such directions
will enable any competent mechani
er to carry them out, and afford
needful information to enable the
what will be required in the erect
alteration, or improvement of such
lum, or other improvement, and t
to be made, a full, accurate, and c
of each item of expense, and the
cost of such institution, asylum, o
ment, or of any addition to, altera
ment thereof, when completed.

Plans, etc., to be approved by
urer, and secretary of state.

Sec. 2. That such plans, drawi
tions, bills of materials, and specif
and estimates of the cost thereof,
the aggregate, as are required in
of this act to be made, shall be, v
mitted to the governor, state treas
tary of state, for their approval,
by them, a copy thereof shall b
safely kept in the office of controll

ed proposals, notice of.
ction 3. That after such plans, descriptions,
of materials, and specifications and estimates
e in this act required are made and approved,
ccordance with the requirements of this act,
all be and is hereby made the duty of such
nissioners, directors, trustees, or other officer
icers to whom the duty of devising and super-
ding the erection, addition to, alteration, or
ovement of such institution, asylum, or other
ovement as in this act provided, to give or
e to be given public notice of the time and
when and where sealed proposals will be
ved for performing the labor and furnishing
materials necessary to the erection of such
ution, asylum, or other improvement, or for
dding to, altering, or improvement thereof,
a contract or contracts based on such sealed
osals will be made, which notice shall be pub-
d weekly for four consecutive weeks next
ding the day named for the making of such
act or contracts, in the paper having the larg-
irculation in the county where the work is to
t, and in three daily papers having the largest
lation and published one in each of the cities
os Angeles, Sacramento, and San Francisco,
shall state when and where such plan or
, descriptions, bills, and specifications can be
and which shall be open to public inspection
l business hours between the date of such
e and the making of such contract or con-
s. The aforesaid notice must state that sep-
e bids will be received and separate contracts
or the performance of each of the following
of said erection, addition, alteration, or im-
ement, including the furnishing of materials
labor necessary therefor, viz.: first, for the
nry work, including all brick, stone, terra
, and concrete work, and all necessary exca-
ns and filling; second, for the iron work;
, for the carpenter, plastering, electric, and
ng work; fourth, for the plumbing and gas-
g work: fifth, for the heating work; sixth,
ie tinning, galvanized iron, and slating work;
seventh, for the painting and graining work;
there shall be in all such cases as many
rate contracts let therefor as there are differ

ent kinds of work, according t
classification, whether the same be
board of harbor commissioners or
aforesaid commissioners, directo
other officer or officers. [Amend
March 27, 1895; Stats. 1895, chap.
immediately.]

Bond that contractor will perfor

Sec. 4. That on the day named i
tice, said commissioners, directors
ficer or officers, as aforesaid, shall
licly open said sealed proposals,
such contract or contracts for doi
furnishing materials for the sam
bidder, giving responsible bonds;
that no proposals shall be consi
companied with a bond of said pr
ten per cent of his proposal, with s
conditioned that if said proposal s
the party proposing will duly ent
contract, and faithfully perform
tract or contracts, in accordance
posal, and the plan or plans, speci
scriptions, which shall be and are
part of such contract or contract
further, that such contract or co
be binding on the state until the
to the attorney-general, and by
in accordance with the provisions
his certificate thereon to that e
provided further, that if in the
commissioners, directors, trustees
cer or officers, the acceptance of t
bids shall not be for the best inter
it may be lawful for them, with th
and consent of the governor, stat
secretary of state, to accept such
posals opened, as in their opinio
for the interests of the state, o
posals and advertise for others
aforesaid. All contracts shall pr
commissioners, directors, trustees,
or officers may, as hereinafter prov
conditions stated, make any cha
or materials.

hange in plan to be made unless approved as riginal.

. 5. That no change of the plan or plans, de- tions, bills of materials, or specifications h shall either increase or decrease the cost of institution, asylum, building, or improvement, ding the sum of one thousand dollars, shall ade or allowed after they are once approved iled with the controller of state as herein re- d, until such proposed change shall have re- d the approval of the governor, state treas- and secretary of state; and when so approv- he plan or plans of such change, with the de- tion thereof, and the specifications of the , and bills of material, shall be filed with the oller of state in the same manner as required e such change was made; and no allowance ever shall be made for work performed or ma- s furnished under such change of plan or , or descriptions, or specifications, or bills terials, unless, before such labor is perform- d materials furnished, a contract or contracts for is made in writing, which contract or acts shall show distinctly the nature of such ge, and shall be subject to all the conditions provisions herein imposed upon the original acts, and be subject also to the approval of ttorney-general as hereinbefore provided; ded, that all changes in the contract exceed- ive hundred dollars shall be by contracts in ng, with full specifications and estimates, and become a part of the original contract, and be filed with the controller of state, with the al contract; and provided further, that the nt of such change in the contract, plans, de- tions, bills of materials, or specifications shall n the aggregate, increase the cost of construc- of said institution, asylum, building, or im- ement more than three per centum of the ori- contract price or cost.

e cost not to exceed amount authorized by w.

. 6. That no contract or contracts shall be for the labor or material herein provided t a price in excess of the entire estimate of in this act required to be made, and the e contract or contracts shall not, including

estimates of expenses for archit
wise, exceed in the aggregate the
ized by law for such institution,
or other improvement, or such a
teration or improvement thereof,
ties of section ten of this act here

Directors, etc., to estimate labo
and amount due.

Sec. 7. At the time or times n
tract or contracts made and file
troller of state, or which has
made and filed with him, in acc
provisions of this act, for payme
or persons with whom such cont
had been made, it shall be and is
duty of the commissioners, direc
other officer or officers, to whom
duty of superintending the erecti
tution, asylum, building, or impr
ing to, altering, or improving th
or cause to be made a full, accur
estimate of the various kinds of
and materials furnished under
contracts, with the amount due
labor and materials, and the an
aggregate, which estimate shall b
actual measurement of the labor
materials so furnished, which e
all cases, give the amounts of th
mate or estimates, and the amo
formed and materials furnished
timate, which estimate or estimat
this act required, shall be record
that purpose to be provided and k
be kept, by the said commissioner
tees, or other officer or officers,
copy thereof, addressed to the c
by the said commissioners, direc
other officer or officers, or by suc
may designate for that purpose,
the contractor or contractors, enti
vided, that upon all estimates
nished and delivered, and not ac
tered into and become a part of
building or other improvement,
be paid, until the same shall be

ecome a part of said institution, building, or improvement, exceeding fifty per centum of estimated value.

roller to compare estimate with contract.

. 8. It shall be the duty of the controller of on the receipt of such estimate so certified pproved, to compare, carefully the same with ontract or contracts under which labor was or materials furnished, and if there had any previous estimates, then with such esti-; and if, upon such comparison, he shall find last-named estimate in all respects correct, all number the same, place it on file, and a record thereof made, and give to the person rsons entitled thereto, taking his or their re- therefor, a warrant on the treasurer of state he amount shown by such estimate or esti- to be due, less the amount of ten per cent- hereon, which shall be retained as an addi- l security for the faithful performance of his eir contract or contracts, and shall be for- l to the state in the event of a failure of such actor or contractors to conform in good faith e terms and conditions of such contract or acts; but when the labor to be performed and rials furnished, under such contract or con-, is performed and furnished, and a final es- te thereof made, the controller of state shall de in the warrant or warrants for the nt of such last estimate the percentage re- d on former estimates.

. 9. The treasurer of state shall pay the ants issued by the controller of state, under by virtue of the provisions of this act, plac- he same on file, and keeping a register of the es of the person or persons to whom such war- are paid.

er making fraudulent plans or estimates.

. 10. Any commissioner, director, trustee, or officer or person otherwise appointed, whose it is to superintend, in whole or in part, the ion of such institution, asylum, building, or ovement, or of adding to, altering, or the im- ement thereof, or the making of the plans, de- tions, and specifications of the labor to be per- ed and materials to be furnished, as provid-

ed in this act, and the estimates
of, or the estimates of the amou
and materials furnished from tin
and in accordance with the term
of the contracts in this act autho
and the provisions of this act,
performance of the duty herein i
or upon them, knowingly mak
fraudulent plans, drawings, bi
specifications of work, or estim
thereof, or permit the work in a
than is prescribed in such plans,
specifications, or with materials
required by such bills of materi
of the state; or shall knowingly
mates of the labor done or ma
either in the quantity or price t
jury of the state; or any contrac
of any contractor or contractors,
ingly permit materials to be use
done inferior to, or in violation o
such contractor or contractors, to
state, shall be deemed and held
and upon conviction thereof sha
the state prison for not less th
more than five years, and be li
for double the amount the state
be liable to lose, by reason ther

Attorney-general to enforce cont

Sec. 11. It shall be the duty of
eral to have charge of and direc
ings necessary to enforce the con
by this act and the provisions of
such person or persons as beco
penalties herein prescribed.

Officers to require diligence in c

Sec. 12. Whenever, in the opinio
sioners, directors, trustees, or othe
with the duty of devising and su
erection, alteration, addition to, o
any state institution, asylum, b
improvement under this act, or
state, the work under any contr
suance of this act, or any such la
the contractor or contractors, or
not prosecuted with the diligence

meant, or intended in and by the terms of the
ract, it shall be lawful for such commissioners,
ctors, trustees, or other officers to make a req-
ion upon such contractor or contractors for
additional specific force, or for such addition-
pecific materials, to be brought into the work
er such contract, or to remove improper mate-
from the grounds, as in the judgment of such
missioners, directors, trustees, or other offi-
, said contract and its due and faithful fulfill-
t require; of which action of said board or
r officers, due notice in writing, of not less
five days, shall be served upon such contrac-
or his or their agent having charge of the
k. And if such contractor or contractors fail
omply with such requisition within fifteen
, it shall be lawful for said commissioners, di-
ors, trustees, or other officers, with the consent,
riting, of the governor, treasurer of state, and
etary of state, to employ upon such work the
tional force, or supply the materials so specif-
y required as aforesaid, or such part of either
ney may deem proper, and to remove improper
erials from the grounds; and it shall be the
of such commissioners, directors, trustees, or
r officers, to make separate estimates of all
additional force or materials so employed or
plied as aforesaid, and which, being certified
by said commissioners, directors, trustees, or
r officers, shall be paid by the controller of
e the same as if made out agreeably to section
n of this act, and the amount so paid shall be
rged against said contractor or contractors,
deducted from his or their next, or any subse-
nt, estimate; or the same, or any part thereof,
paid as aforesaid, may be recovered by action
n such contractor or contractors, and their
ties.

e to be fixed for completion of contract.

c. 13. In all contracts made under the provi-
s of this act, there shall be a provision in re-
l to the time when the whole, or any specified
ion, of the work contemplated in said con-
t shall be completed, and also providing that
each and every day the same shall be delayed
ond such time or times so named, the said con-

tractor or contractors shall forfeit
state a sum of money, to be fixed
in said contract, to be deducted fro
or payments due, or to become du
tractor or contractors.

Applicable to former contracts.

Sec. 14. All contracts now mad
formed, for the erection, alteration,
improvement of any state insti
building, or other improvement, s
practicable, be performed, complete
and settled for under this act, or m
sent of the contracting parties, be m
to and proceed under the provision

Sec. 15. All acts and parts of
with the provisions of this act are h

Sec. 16. This act shall take effect
its passage.

An Act to provide for the completi
ished county, city, city and cou
township buildings in the sever
ies and counties, cities, and t
out the state of California.

[Approved March 10, 1887; 1

Construction of unfinished building

Section 1. In the event that the B
visors of the several counties, cities,
counties of the State of California
expedient to continue the construct
finished county, or city and count
township building or buildings now
of construction, they are hereby
empowered to express such judgm
tion or order, in such form as th
proper; and for the purpose o
money necessary to complete
or buildings the Board of S
the several counties, cities, and ci
ties of the State of California are
ized and empowered to levy and co
for the fiscal year commencing July
hundred and eighty-seven, and end
tieth, eighteen hundred and eighty-e
and every fiscal year thereafter du

l years next ensuing, in the same manner and
he same times as other taxes in said counties,
s, and towns, and townships, and cities and
ities are levied and collected, an ad valorem
erty tax on real and personal property within
said counties, or cities and counties, cities,
ns, and townships, of ten cents on each one
ired dollars of value, as shown by the assess-
t rolls of said counties, cities, cities and coun-
towns, and townships for the current fiscal
; provided, the moneys raised under the pro-
ns of this Act shall be expended only in the
ner and for the purposes authorized by law,
y the Act or Acts authorizing the construction
e building or buildings; and provided further,
no part of said moneys shall be used for the
hase of carpets, furniture, fixtures, or other
e furnishings of the rooms or offices com-
d and in use at the time of the passage of this
nor for any furniture or other office fixtures
rnishings for the rooms or offices yet to be
leted, save and except such office fixtures as
sually affixed to and constitute a part of the
anent structure or arrangement of such of-
or rooms; and it is further provided, that
never, in the judgment of the Board of Super-
s of the several counties, cities, and cities
counties of the State of California, or of any
on or persons, board, or commission having
ge of any building or buildings now in the
ess of construction, it shall be deemed neces-
for the preservation of the building or build-
or convenient occupation thereof, or the im-
ement or maintenance of sanitary conditions
ein, or the protection of life, to make repairs
aid building or buildings, or alterations there-
ot inconsistent with the accepted plan of the
ding or buildings, the Board of Supervisors,
on or persons, board, or commission having
charge of the same, shall have the power to
nd in any one year on such repairs or altera-
, exclusive of the cost of repairs or altera-
on the roof or roofs thereof, the sum of ten
sand dollars, and no more; which sum may
xpended without regard to any of the require-
s of any Act or Acts authorizing the construc-
of the building or buildings, if the amount

expended at any one time does no
of one thousand dollars; but wh
diture in excess of the sum of o
lars should be required, it shall b
to the provisions of the Act or
the construction of the buildi
[Amendment approved March 26,
chap. clxii. In effect immediatel

Sec. 2. All laws now in force,
as they relate to the levy and c
for the completion of any cou
county, or city, or towns, or tov
or buildings, are hereby continued
effect.

An Act concerning the completi
public buildings in any coun
county, or town in this stat
alterations of the original pla
the construction thereof.

[Stat. approved March 26, 1895.
clxi.]

The People of the State of Calif
in Senate and Assembly, do

Section 1. Where there are an
lic building or buildings now in
struction in any county, city, cit
town in this State, the Board o
other governing body of any cou
county, or town, or any commi
an Act of the Legislature, havi
construction of such unfinished
have the right in the constructio
from the original or adopted pl
part or parts as in their judgmen
necessary to be left out; provided
been let for the construction of s
If, in the judgment of such officer
requires, they may let contracts
for the construction, in whole o
unfinished portions of such pu
buildings in accordance with su
When the same shall have been c
cordance with such altered plan,
be deemed to have been complet

ec. 2. Whenever, during the construction of h public building or buildings, changes in original plans or designs have heretofore n made, and contracts for the construction of work, in whole or in part, in accordance with altered plans or designs, have been entered by the Board of Supervisors, or other govern- body of any county, city, city and county, or n, or by the commission having the construc- thereof in charge, the said alteration of the inal plans or designs that have been made and tracts for same that have been entered into, hereby ratified, approved, and confirmed.
ec. 3. This Act shall take effect from and after passage.

act authorizing the incurring of indebt- edness by cities, towns, and municipal cor- porations, incorporated under the laws of this state; for the construction of water- works, sewers, and all necessary public improvements, or for any purpose what- ever, and to repeal the act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, con- taining more than three thousand and less than ten thousand inhabitants, to obtain water- works"; also to repeal an act approved March 15, 1887, entitled "An Act authorizing the in- curring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this state."

[Approved March 19, 1889; 1889, 399.]

nicipal corporations may incur indebtedness.
ection 1. Any city, town or municipal corpo- on, incorporated under the laws of this state, , as hereinafter provided, incur indebtedness ay the cost of any municipal improvement, or any purpose whatever requiring an expendi- e greater than the amount allowed for such im- vement by the annual tax levy.
nner of procedure.
ec. 2. Whenever the legislative branch of any , town, or municipal corporation shall, by or-

dinance passed by a vote of two-t
members, and approved by the ex
city, town, or municipal corporat
that the public interest or necessit
acquisition, construction, or comple
nicipal buildings, bridges, wate
rights, sewers, or other municipal
the cost of which will be too great
of the ordinary annual income and
municipality, they may, after the
such ordinance for at least two
newspaper published in such muni
their next regular meeting after su
or at an adjourned meeting, by or
by a vote of two-thirds of all its me
approved by the said executive, cal
tion and submit to the qualified vote
town, or municipal corporation,
for the purpose set forth in the
no question other than the incur
edness for said purpose shall
The ordinance calling such specia
recite the objects and purposes
indebtedness is proposed to be in
timated cost of the proposed publi
the necessity for such improvem
bonds of the municipality shall iss
ment of the cost of such improvem
ordinance set forth, if the propositi
by the qualified voters, as herein
and shall fix the day on which su
tion shall be held, the manner of ho
tion, and the voting for or against
indebtedness; such election shall
vided by law for holding such el
city, town, or municipal corpora
however, that where by the term
of the charter of any city, town, or
poration, the cost of making the
provements is to be or must be pai
ial fund created by such charter
pose, the proposition of incurring s
edness may be submitted to the
at any general election for officers
California or of such city, town, or
poration. [Amendment approved
Stats. 1891, p. 94.]

lication of intention to incur indebtedness.
c. 3. Such ordinance shall be published once
ay for at least ten days, or once a week for
weeks, before the publication of the notice of
special election, in some newspaper published
uch municipality. After said publication, said
slative body shall cause to be published, for
less than two weeks, in at least one of the
spapers published in such municipality, a no-
of such special election, the purpose for which
indebtedness is to be incurred, the number and
racter of the bonds to be issued, the rate of in-
st to be paid, and the amount of tax levy to
nade for the payment thereof. It shall require
votes of two-thirds of all the voters voting at
n special election to authorize the issuance of
bonds herein provided.

ns and estimates of improvements.
c. 4. It shall be the duty of the legislative
ich of any municipality contemplating perma-
t public improvements, to first have plans and
mates of the cost of such improvements, made
competent engineer or architect who has had
essful experience in such work, before the
stion of incurring an indebtedness for such
rovement is submitted to vote.

it of indebtedness.
c. 5. No city, town, or municipal corporation
l incur an indebtedness for public improve-
ts which shall, in the aggregate, exceed fifteen
cent of the assessed value of all the real and
onal property of such city, town, or municipal
oration. [Amendment approved March 11,
; Stats. 1891, p. 84.]

racter of bonds.
ction 6. All municipal bonds for public im-
vements issued under the provisions of this act
l be of the character of bonds known as ser-
and shall be payable in gold coin or lawful
ey of the United States, in the manner follow-
One fortieth part of the whole amount of in-
tedness shall be paid each and every year, on a
and at a place to be fixed by the legislative
ich of the municipality issuing the bonds, to-
er with the interest on all sums unpaid at
n date. The bonds shall be issued in such de-

nominations as the legislative bra
cipality may determine, except tha
be of a less denomination than o
lars nor of a greater denominatio
sand dollars each, payable on the
place fixed in such bond, and wit
rate specified in the bond, which
in excess of the legal rate of the
nia, and may be payable annuall
ally. Such bonds may be issued
legislative branch of the city, tow
corporation, as they may determ
than their face value, in gold coi
States, and the proceeds of suc
placed in the municipal treasury
the proper improvement fund, and
exclusively to the purposes and ob
in the ordinance, until such objec
complished, after which, if any
such surplus shall be transferred
fund of such municipality. [Amen
March 1, 1893; Stats. 1893, p. 61.
diately. Repealed all conflicting

[This section was in turn repe
of March 9, 1897; Stats. 1897, p. 7

Rate of interest.

Sec. 7. The legislative branch o
or municipal corporation, issuing
thority of this act, shall have the
mine the rate of interest such b
provided, that in no case shall it e
cent per annum, and to name the
where such bonds and interest sh
vided, that the place of payment
at the office of the treasurer of t
or at some designated bank in San
cago, New York, or Boston. The
be signed by the executive of the n
also by the treasurer thereof, and
signed by the clerk. The coupon
shall be numbered consecutively,
the treasurer.

Tax levy.

Section 8. The legislative bran
town, or municipal corporation sh
of fixing the general tax levy, an

such general tax levy provided, levy and col-
annually, each year, for the term of forty
rs, a tax sufficient to pay the annual interest
such bonds, and also one-fortieth part of the
regate amount of such indebtedness so incur-
The taxes herein required to be levied and
ected shall be in addition to all other taxes
ed for municipal purposes, and shall be col-
ed at the same time and in the same manner
other municipal taxes are collected. [Amend-
t approved March 1, 1893; Stats. 1893, p. 61.
effect immediately. Repealed all conflicting
.]
his section was in turn repealed by the act of
ch 9, 1897; Stats. 1897, p. 75.]

y of corporation.

c. 9. It shall be the duty of the legislative
ich of every city, town, or municipal corpora-
wherein public improvements are being made
er the provisions of this act, to make all need-
rules and regulations for carrying out and
ntaining such improvements, to appoint all
iful agents, superintendents, and engineers to
erly look after the construction and operation
uch public works, and in all lawful ways to
tect and preserve the rights and interest of the
icipality; provided, however, that in cities,
ns, or municipalities operating under a charter
etofore or hereafter framed under section 8
article xi of the constitution, and having a
rd of public works, all the matters and things
ired in this section to be done and performed
the legislative branch of the municipality
l be done and performed by the board of pub-
works of such city, town, or municipality.
endment approved March 19, 1891, Stats. 1891,
32.]

ing of contracts.

c. 10. All contracts for the construction or
pletion of any public work or improvements,
or furnishing labor or materials therefor, as
in provided, shall be let to the lowest responsi-
bidder. The legislative branch of the munici-
ty shall advertise for at least ten days, in one
nore newspapers published in the municipality,

inviting sealed proposals for furnis
and materials for the proposed imp
fore any contracts shall be made t
said legislative branch shall have t
quire such bonds as they may deem
successful bidder, to insure the fai
ance of the contract work. They s
the right to reject any or all bids;
ever, that in cities, towns, or muni
ating under a charter heretofor
framed under section 8 of article x
tution, and having a board of public
matters and things required in thi
done and performed by the legisla
the municipality shall be done and
the board of public works of such
municipality. [Amendment appro
1891, Stats. 1891, p. 132.]

Additional bonds of treasurer.

Sec. 11. Whenever the legislative
municipality shall, by resolution,
sary, they may require the treasure
cipality to give additional bonds f
tody and care of the public funds.

Repealing acts 1885, 1887.

Sec. 12. The act approved March
hundred and eighty-five, entitled
thorize municipal corporations of
containing more than three thousan
ten thousand inhabitants, to obtai
works," and the act approved M
eighteen hundred and eighty-seve
Act authorizing the incurring of
cities, towns, and municipal corpo
rated under the laws of this state,"
acts, or special acts, or parts of
with this act, are hereby repealed

Sec. 13. This act shall take e
force from and after its passage.

The act of March 15, 1887, was a
act approved February 16, 1889; S

TITLE 224.

QUARANTINE.

Act to establish a quarantine for the bay and harbor of San Francisco, and sanitary laws for the city and county of San Francisco.

[Approved April 4, 1870; 1869-70, 716.]

his act was amended March 16, 1876; 1875-6,

ther special acts relating to quarantine in San ncisco: See Deering's Annotated Political Code er section 3032.

Act to regulate quarantine, and the admission of horses, cattle, sheep, and swine into the state of California from infected districts.

[Approved March 19, 1889; 1889, 375.]

rantine against entry of domestic animals.
ction 1. The state board of health shall be owered to declare quarantine against the en- of domestic animals from any state or terri- , or any foreign port or country, in which con ous or infectious diseases are known to exist; infected parts to be named in the proclama-

y of, through state board of health.
c. 2. All domestic animals coming into the e from districts mentioned in section one must equired to enter the state at such points only he state board of health may by proclamation rmine, and designate where they must be un- ed for inspection.

dence of owners.
c. 3. All owners of domestic animals coming this state from localities quarantined against be required to furnish the following evidence such animals are free from disease.
st—The affidavit of two disinterested parties, have known such animals for a period of four ths prior to the date of shipment, that they e been healthy, and exposed to no contagious

disease, and that no contagious d
or believed to exist in the district
which they came.

Second—The certificate of the
the county, that persons making s
responsible and reputable citizens

Third—The affidavit of the own
charge, made at the point of en
domestic animals are the ident
scribed in the foregoing affidavit
ment has been direct, and withou
cept for food and water, and in c
infected cars.

Affidavit of owners.

Sec. 4. Owners or persons in c
tic animals from localities not
proclamation must certify, under
domestic animals have been kept
a period of four months immedi
the date of shipment (giving the n
and county and state, territory,
have not been exposed to any co
for a period of three months prio
shipment.

Evidence to be submitted.

Sec. 5. All the foregoing evid
mitted to the state veterinarian,
inspector of the state, when perm
in this state shall be issued.

Quarantined calves.

Sec. 6. Dealers' calves gathered
states or territories will be qua
points of entry.

Domestic animals.

Sec. 7. Domestic animals not i
for shipment, and retained in qu
held at the owner's risk and exp

Same.

Sec. 8. All domestic animals a
of entry shall be inspected free
owner.

Railway company must have pe

Sec. 9. No railway company d
this state shall receive for shipr
state any domestic animals unl
by a permit signed by an authori

le, when not to enter state.
c. 10. No cattle shall enter this state from
as, New Mexico, or Mexico, for grazing pur-
s during the months of March, April, May,
e, July, August, September, October, and No-
ber in each year.
ment for slaughter.
c. 11. All cattle from those parts mentioned
ection ten entering this state during the
ths mentioned in section ten, and intended for
hering purposes, shall pass from the point of
y into the slaughter-house yard, which yard
l be specially constructed and isolated for the
ose of receiving such stock. The stock shall
nshipped in said yard direct from the cars
ding into the yards for that purpose.
racter of cars.
c. 12. Said cattle shall moreover be shipped
pecially constructed cars, which will prevent
dropping of manure and urine on the track
ng transit, and in unshipping such cattle the
shall be thoroughly disinfected with car-
zed whitewash.
n may be unshipped.
c. 13. All cattle entering this state for the
oses mentioned in section eleven shall only
nshipped between the point of entry and des-
tion at places set apart by the state board of
th in its proclamation; and no native stock
l be allowed at any time to enter said places;
places shall be moreover thoroughly disinfect-
n such manner as the state board of health
direct.
ation of act.
c. 14. Any person or persons, corporations, or
s, who shall violate any of the provisions of
act, shall be liable for all damages sustained,
a fine of one thousand dollars, to be recov-
in any court of competent jurisdiction, on ac-
t of any contagious or infectious disease
g communicated from any diseased animal to
other animal in the neighborhood, or along
line of such transportation of such diseased
nals into or through this state, or from one
thereof to another; and the existence or pres-
of such contagious or infectious disease

among the native cattle of this s
ranch with or in the vicinity of a
animals, or along the line or r
they were transported, shall be
dence that the same were affect
sease at the time of being so re
ported, and communicated it
domestic animals so affected the

Definition.

Sec. 15. The words "domestic
ever used in this act shall be co
and include horses, mules, asse
goats, and swine.

Inspectors to be appointed.

Sec. 16. The state board of h
authorized to appoint one inspecto
points of entry by railroad con
this state, who shall reside at su
be designated by the state boar
shall receive such compensation
ices as may be determined by s
exceed one hundred dollars per m
pensation to be paid out of an
state treasury not otherwise ap
the warrants of the controller of
the certificate of the state board o
the same.

Sec. 17. This act shall take ef

TITLE 225.

RAILROADS.

A reference to acts bearing o
contained in Deering's Annotated
652, 653.

An act granting the right of w
grounds to the Southern Ca
Company over a portion
grounds in the county of San

[Approved March 9, 1893; Sta

The purpose of the act is suffi
in the title.

act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns leading to public parks owned thereby.

people of the state of California, represented in the senate and assembly, do enact as follows:

ec. 1. It shall be lawful for the council, trust- or other governing body of any city or town ing public parks situated outside of said city own, to grant franchises for the building and ation of railroads from any point in, or at exterior boundary of such city or town, to, in, hrough such park, in the same manner and to same extent as it now has power to grant the e for street railroads within the limits of such or town; provided, that in addition to all r conditions, it shall be made a condition of franchise that the fare of passengers on such or roads shall never exceed five cents for a le trip.

ec. 2. All railroads, except as otherwise pro- d in this act, authorized by this act to be so tered shall be governed by the provisions of four, title four, of the Civil Code of Califor- concerning street railroads and corporations, ar as the same shall be applicable thereto, and ll acts amendatory thereof. Also by the pro- ons of "An act providing for the sale of rail- and other franchises in municipalities and tive to granting of francises," approved March nty-third, eighteen hundred and ninety-three.

ec. 3. This act shall take effect immediately.

ame a law, under constitutional provision, without governor's approval, March 1, 1897; Stats. 1897, chap. l.]

Act to promote the safety of employés and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

proved March 22, 1899; Stats. 1899, ch. 150.]

TITLE 226.

RAMIE CULTUI

An act to encourage the cultiva
the state of California, to pro
ramie fiber, and to make
therefor; to appoint a state
ramie culture, and make an
his salary.

[Approved March 31, 1891; Sta

The act appropriated $5,000 fo
dicated.

TITLE 227.

RECLAMATION DIST

An act to provide for the issuin
clamation districts, and the di
reclamation and other purpos
ment by taxation upon the
in such reclamation districts.

[Stat. approved March 27, 1895;
clxxiv.]

The people of the state of Califo
in senate and assembly, do

Section 1. Whenever in the
board of trustees of any reclama
formed, or hereafter to be forme
of this state, the cost of the w
tion according to the plans the
great to be raised by assessmen
the Political Code, said board of
der a special election to be held
said district to be designated b
trustees, at which said special
submitted to the owners of lan
the question whether or not the
trict shall be issued in an amo
construct said works of reclama
amount shall be estimated by sa
tees, and stated in the order for
tion.

ec. 2. Notice of such special election must be
en by the board of trustees by posting notices
reof in at least three public places in the dis-
t, at least twenty days prior thereto, and also
publication for the same time in some news-
per published in each county in which any por-
n of said district may be situated, if there be
ewspaper published in each of such counties,
l if there is no newspaper so published, then
such publication in each county in which there
a newspaper published, and such notice must
cify the time and place of holding such elec-
n, the amount of bonds proposed to be issued,
l the names of three land-holders of the dis-
t to act as a board of election.

ec. 3. At such election each holder of lands
the district shall be entitled to vote in person
by proxy, and shall have the right to cast one
e for each dollar's worth of real estate owned
him in the district, the value thereof to be de-
mined from the next preceding assessment roll
the county where the same is situated; and the
rd of trustees of the district shall, prior to the
tion, procure from the assessor of each county
ere any portion of the district is situated, a
, certified by such assessor, containing a de-
iption of all the land of the district situated in
h county, the name of the person to whom
h tract is assessed, and the value thereof as
ears from the assessment roll of said county,
ich said list shall be furnished to and be used
the said board of election in determining the
nber of votes each voter is entitled to cast.
person shall vote by proxy at such election,
ess authority to cast such vote shall be evi-
ced by an instrument in writing, duly ac-
wledged and certified as grants of real prop-
y, and filed with the board of election. The
lots cast at such election shall contain the
rds "Bonds—Yes," or the words "Bonds—No,"
also the name of the person casting the bal-
with the number of votes cast by him; and
ist of the ballots cast shall be made by the
rd of election, containing the name of the
er, and if the ballot be cast by proxy, the
ne of the person casting it, the number of votes
t, and whether the same be cast for or against
issuing of the bonds.

Sec. 4. If the persons, or any o
ed and specified in the notice of
board of election fail to attend
place appointed for the election,
ent at the time for opening the po
any land-holder of the district
fill the place of any absent membe
member of such board of electio
entering upon his duties as such,
oath as such member of the bo
which said oath may be administe
cer authorized to administer oa
land-holder in the district. The po
open for the reception of votes f
A. M. until four o'clock P. M.
the polls the board of election sh
ceed to canvass the votes, and de
and forward a certificate, showin
votes cast for and against the issu
the board of supervisors of the c
district was formed, and deliv
thereof to the board of trustees
and shall also deliver to the said
all ballots cast at such election,
ments and papers used at such e

Sec. 5. If a majority of the vo
election are in favor of the issuan
board of trustees of the distr
bonds in the amount stated in th
tion to be issued and placed in
the treasurer of the county in w
was formed. Said bonds shall b
ination of one hundred dollars eac
tiable in form, signed by the presid
of trustees of the district, and the
board of supervisors of said coun
by the clerk of said board of supe
seal of said board of supervisors
bered consecutively as issued, a
the time of their issue, and shall
face that they were issued by a
act, stating its title and date of a
date of the election at which the
authorized. Said bonds shall bea
rate of seven per cent. per annun
anually on the first day of Janua
day of July in each year, at th
county treasurer, upon the pres

per coupons therefor. Coupons for each in-
ment of interest shall be attached to said
ds, and shall be numbered, signed, and at-
ed, in the same manner as the bond. The prin-
l of said bonds shall be paid as follows, to
Ten per cent. of the whole amount of bonds
ed, according to their consecutive numbers,
l be paid in ten years from the date of their
e, at the office of said county treasurer, and
per cent. thereof each succeeding year there-
r, until all are paid. If any bond shall not
presented for payment when the same becomes
it shall cease to draw interest; but if pre-
ed at such time, and not paid for want of
ds, the said county treasurer shall so indorse
and thereafter such bond shall draw interest
l paid, at said rate of seven per cent. per an-
, payable semi-annually.

ec. 6. The treasurer of said county shall place
bonds prepared pursuant to this act to the
lit of said district, and may at any time sell
of said bonds for the best price obtainable
refor, but in no event for less than the face
e of said bond, and the accrued interest
reon. Any money derived from the sale of
bonds by said county treasurer shall be
ed in the treasury to the credit of said dis-
t, and a proper record of such transaction be
ed upon the books of said treasurer.

ec. 7. The board of trustees of said district
draw orders upon the said county treasurer,
able in bonds or money in the proportion and
he amount therein named, to pay for labor or
ices performed for, or materials or property
ished to, said district, for the purpose of con-
cting the reclamation works thereof, and the
enses necessarily incident to maintaining the
e, and the contingent expenses of said dis-
t, which said orders shall be approved by the
rd of supervisors of the county where such
rict was formed, and thereafter be paid by
treasurer in the manner therein provided for,
uch bonds or money then remaining in said
sury to the credit of said district be sufficient
ay the same.

ec. 8. The principal of said bonds, and the in-
st thereon, shall be paid by revenue derived
n a tax levied upon the assessable real prop-

erty of the district, and the boar
of the county wherein said distric
the time of making the levy of
purposes, must levy a tax for tha
taxable real property in such d
to pay the interest which may b
said bonds during such year, an
of the principal of said bonds
during such year, then also in
cient to pay such portion of sai
taxes so levied shall be computed
the assessment roll of the county
may be situated, by the county
lected by the tax collector, at the
in the same manner as state an
and when collected shall be paid
treasury for the use of said distr

Sec. 9. When such district is s
different counties, the assessor of
counties, other than the county w
was formed, and in which any
district may be situated, shall, p
when the board of supervisors m
levy for county purposes in each
the board of supervisors of the co
district was formed, a statement
value of all the taxable real prop
trict, situated in his county; and
of supervisors shall have determ
taxation necessary to be levied
erty, the clerk of said board of
certify the same, under the seal
the auditor of any county other
where such district was formed,
shall thereupon compute the tax
same upon the assessment roll
When any taxes shall have been
any of the provisions of this ac
the treasury of any county other
which said district was formed,
such county must, when requested
board of trustees of said distri
money in such treasury to the
of the county in which such dist
who shall receive and receipt fo
place such money in the treasury
to the credit of said district.

Sec. 10. No assessor, tax collec

rk shall receive any fee for any service re-
red to be performed by them under the provis-
s of this act. All expenses necessarily incur-
in carrying out the provisions of this act shall
paid out of any money to the credit of the dis-
t for which the services are performed in the
asury of the county where the district was
med, upon the order of the board of trustees
said district, approved by the board of super-
ors of said county.
ec. 11. This act shall take effect and be in
ce from and after its passage.

addition, the following acts may be referred

act to provide for the proper distribution, in
the several county treasuries, of funds arising
from the sale of swamp lands.
[Approved March 28, 1874; 1873-4, 770.]

act to subject certain reclamation districts in
the state to the provisions of the Political
Code.
[Approved March 10, 1885; 1885, 77.]

n act relative to the powers of the boards of
supervisors of the counties of Yolo and So-
lano.
[Approved March 25, 1874; 1873-4, 602.]

act to facilitate the equalization of assess-
ments in reclamation districts.
[Approved March 7, 1881; Stats. 1881, 69.]

act providing for appeals from orders forming
reclamation or swamp-land districts, setting
off lands from such districts, or consolidating
districts.
Approved April 16, 1880, 119 (Ban. ed. 385).]

TITLE 228.

RECORDS.

Acts relating to, see Code of
Appendix, title, Records, p. 865.

TITLE 229.

RIVERSIDE COUN

An act to create the county of R
it, define its boundaries, provi
zation, and the appointment,
cers, the location of county
and the adjustment and fulfi
rights and obligations arisin
county and certain other cou
[Approved March 11, 1893; Stat

TITLE 230.

ROADS AND HIGH

See Highways; Par

The Political Code, secs. 2618
the general road law of the st
2 of the highway act of 1883 and
flict with that act, were repealed.
2757 of that code, as originally
visions of any statute then in for
counties, in relation to roads and
not to be affected by the code e
special laws should be repealed.
provisions of the code were to ap

A reference to special laws rel
ject is contained in Deering's
Code, pp. 653-656.

TITLE 231.

RODEOS.

he Political Code, sec. 19, and the **Penal Code**, . 23, continued in force all acts regulating and elation to rodeos.

hese acts are contained in Deering's **Annotated** al Code, pp. 656-659.

TITLE 232.

SACRAMENTO COUNTY AND CITY.

reference to special laws relating to Sacra- nto city and county is contained in Deering's notated Penal Code, pp. 659-664.

n act to amend secs. 1, 5, 7, 8, 10 and 11 of an to redeem the funded indebtedness of Sacramen- pproved March 19, 1889, Stats. 1889, p. 325, and of March 9, 1899, Stats. 1899, ch. LXIX, repeal- t e same.

n act entitled An act amendatory of and sup- nentary to an act approved April 25, 1863, en- d an act to incorporate the city of Sacra- nto, approved March 6, 1872, contained in the utes of 1889, p. 148.

TITLE 233.

SAN BENITO COUNTY.

reference to the local acts relating to San Be- county is contained in Deering's Annotated al Code, p. 664.

An act to create the county of Sa
tablish the boundaries thereof,
for its organization.

[Approved February 12, 1874;

This act was amended March
1887, p. 108.

An act supplementary to the fo
February twelfth, eighteen
seventy-four.

[Approved March 18, 1874; 1

This act provided for a board o
to determine the amount of inde
tween San Benito and Monterey c
ways and means to pay the same
bonds by the county found to
also provided for the terms of the
and probate courts in San Benito

It was amended by act of
1875-6, 177, in so far as related to
ers, issue of bonds, and compensa
sioners.

An act directing the transcriptio
of record in the offices of th
and county recorders of t
Fresno and Merced, concernin
the territory taken from thos
added to that of the county o
act of the legislature entitle
amend an act to create the co
nito, to establish the boundar
to provide for its organization,
ruary 12, 1874, providing for a
establishment of the boundar
same to include therein p
counties of Fresno and Merced
for the payment of the portio
edness of said counties equit
to San Benito county, appr
1887.

[Approved March 11, 1889;

TITLE 234.

SAN BERNARDINO COUNTY.

reference to local acts relating to San Berdino county is contained in Deering's Annod Penal Code, pp. 665-667.

TITLE 235.

SAN DIEGO COUNTY.

reference to special laws relating to San o county is contained in Deering's Annol Cods, pp. 665-667.

e in addition to the acts there referred to, ct to amend the act to reincorporate the city, oved March 16, 1889; Stats. 1889, p. 302.

TITLE 236.

AN FRANCISCO CITY AND COUNTY.

reference to the special acts relating to San cisco is contained in Deering's Annotated l Code, p. 665 et seq.

e also an act relating to interpreters in the of Civil Procedure, Appendix, title, Interrs.

addition see the following: Amendments to water-front act, approved March 19, 1889; . 1889, p. 379, approved March 31, 1891; . 1891, p. 233, and approved March 26, 1895, utes 1895, p. 194.

Act to establish a state normal school in San Francisco.

[Stats. 1899, ch. cxli.]

ere are also a number of acts relating to s and counties of the first class as follows:

t prescribing judgments against cities over 00, see ante, title Judgments; act conferring

powers upon cities over 100,000 t
to erect building for municipal
March 27, 1895, Stats. 1895, p. 24
lic Works; act relating to assistar
in cities over 200,000, see Append
tit, Treasurers; acts relating to
clerks in cities and counties over
litical Code, Appendix, title Count
ants to city and county attorne
Code, p. 958; act authorizing pul
ante, title Public Market; assistan
torney, see Political Code, p. 9
fees in, see ante, title Fees; sec
rior judges, act providing for, se
Procedure, p. 800; levy and coll
taxes in cities of first class, Mar
post, title Schools.

Act of March 4, 1897, increasi
of the fire department in cities o
See Political Code, Appendix, tit
ment.

Act fixing salaries of officers of
in cities of first class: See Politic
dix, title, Fire Department.

Act to allow cities of first clas
cipal hospitals, app. Feb. 16, 18
ch. xiii.

Act to repeal the act in relatio
tion of taxes, app. March 28, 1895
217: See post, title, Taxation.

An act to amend an act entitled
vide for increasing the law li
poration known as the San
Library, and to secure the use
the courts held at San Francis
city and county government, a
the city and county of San
proved March 9, 1870.
[Approved April 12, 1880; 1880, 40

The original act of March 9, 187
in Stats. 1869-70, 325.

TITLE 237.

SANITARY DISTRICTS.

An act to provide for the formation, governt, operation, and dissolution of sanitary dists in any part of the state, for the construcn of sewers, and other sanitary purposes; the uisition of property thereby; the calling and ducting of elections in such districts; the assment, levy, collection, custody, and disburseit of taxes therein; the issuance and disposal of bonds thereof, and the determination of their dity and making provision for the payment of h bonds, and the disposal of their proceeds, for empowering sanitary boards to provide in er respects for the good order and welfare of itary districts." This title was amended in 5, Stats. 1895, ch. 96.

[Approved March 31, 1891; Stats. 1891, p. 223.]

ection 1. Whenever twenty-five persons in county of the state shall desire the formation a sanitary district within the county, they may sent to the board of supervisors of such county etition, in writing, signed by them, stating the ne of the proposed district, and setting forth boundaries thereof, and praying that an elecn be held as provided by this act. Each of the itioners must be a resident and freeholder hin the proposed district.

ec. 2. When such petition is presented as ve provided, the board of supervisors must, hin thirty days thereafter, order that an elecn be held as provided by this act. The order st fix the day of such election, which must be hin sixty days from the date of the order, and st show the boundaries of the proposed dist, and must state that at such election persons ill the offices provided by this act, viz., a sani y assessor, and five members of the sanitary rd, will be voted for. This order shall be end in the minutes of the board, and shall be clusive evidence of the due presentation of a per petition, and of the fact that each of the itioners was, at the time of the signature and sentation of such petition, a resident and freeder within the limits of the proposed district.

Sec. 3. A copy of such order s
four successive weeks prior to
three public places within the
and shall be published for four
prior to the election in some new
in the proposed district, if ther
not, in some newspaper publish
It shall be sufficient if the order
a week.

Sec. 4. The board of supervi
prior to the election, shall select
within the proposed district, and
arrangements for the holding
The ticket shall contain the wo
tary district," or "Against a san
the case may be, and the name
sanitary assessor, and the name
for members of the sanitary boa
shall be conducted in accordance
election laws of the state, so far
be applicable, except as herein ot
Every qualified elector, residen
posed district for the period re
him to vote at a general election
to vote at the election above pr
majority of the votes cast at s
be in favor of a sanitary district
pervisors shall make and cause
the minutes an order that a sa
the name and with the bounda
petition (setting forth such bou
duly established, and said order
sive evidence of the fact and
prior proceedings of every kind
vided for by this act or by law,
ence and validity of the district.
the votes cast shall be against a
the board shall, by order, so deci
ceedings shall be taken in rela
the expiration of one year from
of the petition.

Sec. 5. Every sanitary distri
the provisions of this act shal
have and use a common seal,
pleasure of the sanitary board; t
by its name; to construct and m
clean such sewers and drains as
of the sanitary board shall be ne
and for this purpose to acquire

rise, condemnation proceedings, or otherwise, ch real and personal property and rights of y, either within or without the limits of the trict, as in the judgment of the sanitary board ll be necessary or proper, and to pay for and d the same; to make and accept any and all ntracts, deeds, releases, and documents of any d which, in the judgment of the sanitary rd, shall be necessary or proper to the exercise any of the powers of the district, and to direct payment of all lawful claims and demands inst it; to issue bonds as hereinafter provided, to assess, levy, and collect taxes to pay the ncipal and interest of the same, and the cost laying and the expense of maintaining any er or sewers that may be constructed subse- ent to the issuance of said bonds, or any law- claims against said district, and the running penses of the district; to employ all necessary nts and assistants, and pay the same; to lay sewers and drains in any public street or road the county, and for this purpose enter upon the ne and make all necessary and proper excava- s, restoring the same to proper condition; but case such street or road shall be in an incorpor- d city or town, the consent of the lawful au- rities thereof shall first be obtained; to make enforce all necessary and proper regulations the removal of garbage, and the cleanliness of roads and streets of the district, and for the pose of guarding against the spread of conta- s and infectious diseases, and for the isolation persons and houses affected with such diseases, for the notification of the other inhabitants the existence thereof, and all other sanitary nlations not in conflict with the constitution laws of the state; to make and enforce all essary and proper regulations for suppressing rderly and disreputable resorts, and houses of ame within the district, and to determine the lification of persons authorized to sell liquors retail, and from and after the passage of this no license to keep a saloon, or sell liquors at ll, shall take effect or be operative within any itary district unless the same be approved by sanitary board of the district; to impose fines, alties, and forfeitures for any and all viola- s of its regulations or orders, and to fix the

but no such fine shall exceed the
dred dollars, and no such impris
ceed one month; to call, hold,
elections necessary or proper af
of the district; to prescribe, by
mode, and manner of assessing,
lecting taxes for sanitary pu
otherwise provided herein; to co
and property owners within the
nect their houses and habitation
sewers and drains; and generall
form any and all acts necessary
complete exercise and effect of a
or the purpose for which it was
ment approved March 26, 1895;
xcv. In effect immediately.]

Sec. 6. The officers of the di
sanitary assessor and five mem
itary board.

Sec. 7. There shall be an elec
assessor on every even-numbere
members of the sanitary board ar
the same time, place, and manner
then elected shall hold office for
thereafter, and until the electio
tion of his successor. The person
at the election at which the dist
shall hold office until the electio
tion of his successor: provided, t
time a vacancy occur in the office
sanitary board shall appoint a su
fill such vacancy until the next e
an assessor may be elected unde
of this act.

Sec. 8. It shall be the duty of
sessor to make out, before the
July of each year, a list of all t
and personal property within the
list shall contain a brief and ger
of the property, an assessment of
of, the name or names of the ow
and such other matters as may be
sanitary board and such matters
essary to make such list conform t
of the general laws of the state of
land shall be assessed separately
provements thereon. No mistake
the owner of any of the real or p

essed, or any informality in the description, or other parts of the assessment, shall invalidate same. The sanitary assessor shall verify said by his oath before some officer authorized to inister oaths. and shall deposit the same n the sanitary board on the first Monday of of each year, or as soon thereafter as is prac- ble. He shall have power to administer all ns and affirmations necessary or proper in the formance of his duty as assessor, and shall re- e such compensation as shall be fixed by the er of the board. He shall also perform such her duties and do such further acts as may be ered or required by the sanitary board.

ec. 9. There shall be an election for two mem- s of the sanitary board in every even-num- ed year, beginning with the second even-num- ed year after the election at which the district organized, and the two members then to be ted shall hold office until the election and lification of their successors in the next even- bered year; and there shall be an election for e members of the sanitary board in every -numbered year, beginning with the second -numbered year after the election at which the rict was organized, and the three members to be elected shall hold office until the elec- and qualification of their successors in the odd-numbered year. The five members ted at the election at which the district was nized shall, at their first meeting, or as soon eafter as may be practicable, so classify nselves, by lot, that two of them shall go out ffice in the second even-numbered year after election at which the district was organized, upon the election and qualification of their essors, as provided by this act, and three of n in the second odd-numbered year after the tion at which the district was organized, and n the election and qualification of their suc- ors, as provided by this act. All elections officers after the formation of the district l be on the first Monday after the first Tues- in the month of March. The members of the tary board shall receive no compensation tever, either for general or special services.

c. 10. The sanitary board shall be the gov- ng power of the district, and shall exercise

assessment list in the first h
provided. At its first meeting,
after as may be practicable,
choose one of its members as
other of its members as secre
tracts, deeds, warrants, relea
documents of every kind shall
name of the district by its pres
countersiged by its secretary.
hold such meetings, either in
evening, as may be convenien
absence or inability to act of th
retary, the board shall, by orde
minutes, choose a president p
tary pro tem., or both, as the c

Sec. 11. The sanitary board sh
of equalization as soon as it re
ors' list, or as soon thereafter a
shall continue in session as suc
venient intermissions, until the
ed by the assessor shall have b
rectified, if rectification be nece
shall have power to hear compla
ceedings of the assessor, and
determine the controversy there
own motion raise an assessmen
soable notice to the party whos
be raised, as may be ordered by
the examination and rectificatio
list shall have been completed, t
resolution, fix the rate of taxatio
poses, designating the number
one hundred dollars to be levie
and shall designate the fund int
shall be paid; but no more tha
each one hundred dollars shall
the sanitary purposes of any
what shall be required for the
principal and interest of such ye
ing bonds. After the entry in t
resolution fixing the rate of taxa
board shall cause the assessor
amount of the tax upon eac
and personal property, and
upon the assessment list in
The list, when so completed
fied by the assessor and signe
dent and secretary; and the a
shall thereupon become a lien

on which it is assessed, and shall have the effect
a judgment against the person of the owner
reof, and every such lien shall have the force
effect of an execution duly levied against all
property of the delinquent; and the judgment
ll not be deemed satisfied or the lien extin-
shed until the taxes are paid or the property
d to satisfy the same, and no statute of limita-
ns shall apply; but no more than seventy-five
usand dollars of bonds shall be voted for or is-
d at any one time, nor shall the bonded in-
tedness of the district ever exceed the sum of
enty-five thousand dollars at any one period,
ether it be made up of one issue of bonds or of
eral issues.

ec. 12. On or before the first Monday in July of
h year, the board shall transmit, or cause the
essor to transmit, a duplicate of the list so
de to the tax collector of the county, who shall
ect the taxes shown by said list to be due, in
same manner as he collects the county taxes,
all the provisions of the laws of the state as
the collection of taxes and delinquent taxes,
the enforcement of the payment thereof, so far
pplicable, shall apply to the collection of taxes
sanitary purposes; and said tax collector and
sureties on his official bond shall be responsi-
for the due performance of the duties imposed
him by this act; provided, that the sanitary
rd may, in its discretion, direct the district at-
ney of the county to commence and prosecute
s for the collection of the whole or any por-
of the delinquent taxes; and it shall be
duty of the district attorney to carry out such
ctions of the sanitary board, and he, and the
eties upon his official bond shall be responsible
the due performance of the duty imposed upon
by this act; and provided further, that the
itary board may, at any time, by order en-
d in its minutes, provide a system for the
ection of delinquent taxes, or make any change
he manner of their collection, which as to such
es shall have the force of law. All money col-
ed for sanitary purposes by the district attor-
under this act shall be at once paid to the
nty treasurer.

c. 13. The tax collector shall pay over to the
nty treasurer all moneys collected by him for

sanitary purposes, as fast as th
collected, and the said treasurer
same in the county treasury, a
fund called the bond fund for
(naming it) he shall place and k
levied by the sanitary board for
no part of the money in this fun
ferred to any other fund, or be us
purpose than the payment of th
interest of the bonds of the san
long as any such bonds shall be u
called the running expense of
(naming it) he shall place and k
levied by the sanitary board for
whole or any part of the money
expense fund may be transferr
fund, or to the other fund here
for, upon the order of the sanita
shall be the duty of the treasurer
such order. The treasurer shall
from either of said funds, or fro
inafter mentioned, only upon th
of the sanitary board, signed by t
countersigned by the secretary, w
specify the name of the perso
money is to be paid and the fun
is to be paid, and shall state ge
pose for which the payment is ma
der shall be entered in the minute
board. The treasurer shall keep
voucher, and shall keep a specifi
receipts and disbursements of mo
purposes. The treasurer and s
official bond shall be liable for t
ance of the duties imposed upon
The treasurer shall keep the mon
the sale of bonds in the fund
tioned.

Sec. 14. At any time after the d
ed, the sanitary board may, by
the minutes, call an election for
determining whether bonds shal
the construction of sewers. Such
the day of the election and sh
amount of money to be raised, a
general terms the purpose for w
raised. A copy of such order sh
four successive weeks prior to t
least three public places within

l be published for four successive weeks prior
he election in some newspaper published with
he district, if there be one, and if not, in some
spaper published in the county. It shall be
client if the order be published once a week.
c. 15. At any time prior to the day fixed for
election, the board shall select one, and may
ct two, polling places within the district, ap-
t officers of election, and make all necessary
proper arrangements for holding the election.
tickets shall contain the words "For the issu-
e of bonds as proposed by the sanitary board,
Against the issuance of bonds as proposed
the sanitary board." The election shall be
ucted in accordance with the general election
s of the state, so far as the same shall be ap-
ible, except as herein otherwise provided.
y qualified elector resident within the dis-
for the length of time necessary to enable
to vote at a general election shall be entitled
ote at the election above provided for. After
votes shall have been announced, the ballots
be sealed up and delivered to the secretary
resident of the sanitary board, which shall,
oon as practicable, proceed to canvass the
e, and shall enter the result upon its minutes.
entry shall be conclusive evidence of the
and regularity of all prior proceedings of
y kind and nature provided by this act or
w, and of the facts stated in such entry. If,
ch election, two thirds of the votes cast be in
r of the issuance of bonds, as proposed by
anitary board, the said board shall thence-
have full power and authority to issue and
se of bonds as proposed in the order calling
election. [Amendment approved March 9,
Stats. 1893, p. 88. In effect immediately.]
c. 16. Such bonds shall be in sums of one
sand dollars each, payable in gold coin of the
ed States, and shall bear interest at the rate
e per cent per annum, payable semi-annually,
ates to be fixed by the board, and specified,
ectively, in the bonds and coupons, payable in
gold coin. The principal of each bond shall
ayable in installments of one-twentieth of the
of the bond, and one of such installments
fall due at the end of each year, so that the
e principal shall be paid in twenty years
the issuance of the bond. Each bond shall

refer to this act by its title and
approval by the governor, and sh
bearer; but every person into w
bond or coupon shall come shall be
notice of any and all payments th
been made thereon. Each bond sh
the president and countersigned
of the sanitary board. The bond
bered consecutively, beginning wi
one. Each coupon shall refer to i
ber, and shall be signed by the
countersigned by the secretary.
be redeemed before it is due with
of the holder thereof, nor shall t
est on any bond be reduced or t
funded without the consent of t
of. When any payment of an
interest is made, the coupon the
to be surrendered to the county t
be canceled by him; and when
of principal is paid, such payme
be indorsed upon the bond by suc
when the whole principal of an
the bond is directed to be su
treasurer and to be by him canc
must be disposed of by the sanita
manner and in such quatities as
mined by said board, in its di
bond must be disposed of for le
value. The proceeds of such sa
posited with the county treasurer,
him placed in a fund to be calle
struction fund of —— sanitary dis
The money in such fund shall be
pose indicated in the order calling
on the question of the issuance o
for no other purpose; provided, t
purposes are entirely fulfilled any
in such fund, such balance may,
of the sanitary board, be transfe
the other funds provided by this
sult of the election be against
bonds, no other election upon the
called or held for the period of o

Sec. 17. It is hereby made the
tary board to levy, each year, u
within the district, a sufficient ta
interest accruing upon said bond
tive year, as it falls due, and a

ventieth of the principal of said bonds, so that
e entire amount of principal and interest of said
nds shall be paid within twenty years from the
te of the issuance of said bonds; and it is here-
made the duty of the tax collector, or such
her person as may be charged with the duty of
llecting the sanitary taxes, to collect the said
xes so to be levied, and the duty of the sanitary
ard to order the same to be paid, in manner
d form as provided by this act, and the duty of
e county treasurer to pay the same. If, for any
ason, any portion of the tax for any year re-
ains unpaid, and in consequence thereof any
rtion of the interest or principal due for any
ar remains unpaid, the same shall be added to
e levy for the next year, and be collected and
id accordingly. The payment of the whole
ount of the principal and interest of all of said
nds, within twenty years from their issuance,
hereby made the imperative duty of the dis-
ct; and, if necessary for that purpose, a special
x shall be levied; and it is hereby made the duty
every officer and board to do his respective
rt towards the levy, collection, and payment of
ch tax; and mandamus shall issue from the su-
rior court of the county in which the district is
uated, or from any other competent court, up-
application of any party interested, for the
rpose of compelling the performance of the
ty imposed by this act upon any and all offi-
rs or boards.

Sec. 18. If the result of any election upon the
estion of the issuance of bonds be in favor of
ch issuance, the sanitary board may, in their
cretion, before such issuance, commence, in the
perior court of the county, a special proceeding
determine their right to issue such bonds and
e validity thereof, similar to the proceeding in
ation to irrigation bonds, provided for by an act
itled "An act supplemental to an act entitled
act to provide for the organization and gov-
ment of irrigation districts, and to provide for
acquisition of water and other property, and
the distribution of water thereby for irriga-
purposes,' approved March seventh, eighteen
ndred and eighty-seven, and to provide for the
mination, approval, and confirmation of pro-
dings for the issue and sale of bonds issued

under the provisions of said act"; visions of said act shall apply to proceedings so to be commenced board, so far as the same are appl proceedings shall be in accordance sions of said act, so far as the sa ble, and the judgment in such p have the same effect as a judgme irrigation bonds under the provisi

Sec. 19. Any general regulation board shall be by order entered but such order shall be published one week in some newspaper publi district, if there be one, and if th newspaper then such order shall b week in three public places within subsequent order of the board the tion or posting has been duly ma clusive evidence that such public has been properly made. Orders a general regulation need not be pu ed (unless otherwise provided by shall be entered in the minutes, shall be signed by the secretary general regulation shall take effe upon the expiration of the week o posting thereof. An ordinary o effect upon the entry in the minu

Sec. 20. The board may instru attorney of the county to comme cute any and all actions and pro sary or proper to enforce any of it orders, and may call upon said d for advice as to any sanitary subj be the duty of the district attorne instructions and to give advice by the board therefor. The boa time employ special counsel for a fines for the violation of any regu of the sanitary board shall, after the prosecution are paid therefrom secretary of the board, who shal posit the same with the county shall place the same in the runnin of the district.

Sec. 21. The district may at a solved upon the vote of two-thirds electors thereof, upon an election

nitary board upon the question of dissolution. ich election shall be called and conducted in e same manner as other elections of the district. pon such dissolution, the property of the dis- ict shall vest in any incorporated city or town at may at said time be in occupation of a con- derable portion of the territory of the district, d if there be no such incorporated city or town, en the property shall be vested in the board of pervisors of the county until the formation of ch a city or town; provided, however, that if at e time of such election to dissolve such district ere be any outstanding bonded indebtedness of ch district, then, in such event, the vote to dis- lve such district shall dissolve the same for all rposes excepting only the levy and collection taxes for the payment of such indebtedness; d from the time such district is thus dissolved til such bonded indebtedness, with the interest ereon, is fully paid, satisfied, and discharged, e legislative authority of said incorporated city town, or the board of supervisors, if there be such incorporated city or town, is hereby con- ituted ex officio the sanitary board of such dis- ict; and it is hereby made obligatory upon such ard to levy such taxes and perform such other ts as may be necessary in order to raise money r the payment of such indebtedness and the in- rest thereon, as herein provided.

Sec. 22. The sanitary board shall have power, any time after main sewers or other sewers are id, to order and contract for the construction of sewer in any street of the district where a sew- is not already constructed, and to provide by ch order that the cost thereof shall be borne the property fronting along the line of the wer so ordered; and in case such order is made, e said cost shall be assessed on the lots and nds fronting on such sewer, according to the ovisions of the general law of the state in rela- n to street improvements in incorporated cities d towns, in force at the time such assessment made, so far as the same shall be applicable, d the lien of the assessment so made shall be forced by action to be brought by the district torney of the county, in the name of the sani- ry district; provided, that nothing in this sec- on contained shall be construed to take away or

impair the power of the board to p
expenses of the sewers above pro
be borne by the whole district, as
Sec. 23. All acts and parts of
with this act, or any portion ther
repealed.
Sec. 24. This act shall take effe

An Act to provide for the proper
tion of factories and work
preservation of the health of

[Approved February 6, 1889

Sanitary condition of factories.
Section 1. Every factory, wor
tile or other establishment, in whi
persons are employed, shall be ke
state and free from the effluvia a
drain, privy, or other nuisance, a
vided, within reasonable access, v
number of waterclosets or privies
the persons employed therein.
persons employed as aforesaid a
sexes, a sufficient number of se
tinct waterclosets or privies shall
the use of each sex, which shall be
ignated, and no person shall be
any watercloset or privy assigne
the other sex.

Ventilation of factories.
Sec. 2. Every factory or work
five or more persons are employ
ventilated while work is carried
the air shall not become so exha
injurious to the health of the pe
therein, and shall also be so venti
der harmless, as far as practicabl
vapors, dust, or other impurities g
course of the manufacturing proce
carried on therein, that may be
health.

Places for work condemned.
Sec. 3. No basement, cellar, und
ment, or other place which the c
the bureau of labor statistics sh
unhealthy and unsuitable, shall

orkshop, factory, or place of business in which
ıy person or persons shall be employed.

rotection to employees.

Sec. 4. If in any factory or workshop any pro-
ss or work is carried on by which dust, fila-
ents, or injurious gases are generated or produc-
l that are liable to be inhaled by the persons em-
oyed therein, and it appears to the commis-
oner of the bureau of labor statistics that such
halation could to a great extent be prevented
the use of some mechanical contrivance, he
all direct that such contrivance shall be pro-
ded, and within a reasonable time it shall be
provided and used.

emale employees to be furnished seats.

Sec. 5. Every person, firm, or corporation em-
oying females, in any manufacturing, mechani-
l, or mercantile establishment, shall provide
itable seats for the use of the females so em-
oyed, and shall permit the use of such seats by
em when they are not necessarily engaged in
e active duties for which they are employed.

enalty.

Sec. 6. Any person or corporation violating
ıy of the provisions of this act shall be punish-
by a fine of not less than fifty nor more than
e hundred dollars for each offense.

ıty of commissioner of labor statistics.

Sec. 7. It shall be the duty of the commissioner
the bureau of labor statistics to enforce the
ovisions of this act.

Sec. 8. This act shall take effect and be in
rce from and after its passage.

TITLE 238.

SAN JOAQUIN COUNTY.

A reference to local acts relating to San Joaquin
unty is contained in Deering's Annotated Penal
de, pp. 680-682.

TITLE 239.

SAN LUIS OBISPO CO

A reference to local acts relati
Obispo county is contained in Dee
ed Penal Code, pp. 682-684.

TITLE 240.

SAN MATEO COUN

A reference to the acts relating
county is contained in Deering's
nal Code, pp. 684, 685.

TITLE 241.

SANTA BARBARA CO

A reference to local laws relatin
bara county is contained in Deer
Penal Code, pp. 685, 686.

The act of March 30, 1878, to a
incorporate the city of Santa B
pealed by act approved March
1887, p. 108.

TITLE 242.

SANTA CLARA COU

A reference to local acts affect
county is contained in Deering's
Code, pp. 686-688.

In addition, see an act to amen
"An act to incorporate the city o
proved March 11, 1891; Stats. 189

TITLE 243.

SANTA CRUZ COUNTY.

reference to local acts relating to **Santa Cruz** contained in Deering's Annotated **Penal Code**, 689, 690.

TITLE 244.

SCHOOL OF INDUSTRY.

cts relating to: See Penal Code, **Appendix**, e "School of Industry," p. 611.

TITLE 245.

SCHOOL OF REFORM.

cts relating to: See Penal Code, **Appendix**, ti- "School of Reform," p. 627.

TITLE 246.

SCHOOLS.

Political Code, Appendix, title **Normal** Schools.

act to provide for the care and **security** of the state service of school text-books, by the erection of a fire-proof warehouse to be used for the storage of the same, authorizing the appointment of a storekeeper to have the care and custody of said text-books, and appropriating money to pay the expenses of erecting said warehouse.

[Approved March 15, 1887; 1887, 131.]

en thousand dollars was appropriated for the poses indicated.

An act to provide for compiling, trotyping, printing, binding, distributing certain books of school text-books, and appr therefor.

[Approved March 15, 1887

Defining additional books for co

Section 1. In addition to the be compiled for use in the comm state by section one of the act to provide for compiling, illust ing, printing, binding, copyright ing a state series of school text- priating money therefor," ap twenty-six, eighteen hundred the state board of education cause to be compiled, the foll text-books, viz: One (1) eleme one (1) elementary grammar, or one (1) elementary geography; and hygiene, including a system ercises, and special instructions of alcoholic drinks and narcotics upon the human system; and t thousand dollars, in addition t balance of the sum appropriate of said act aforesaid, is hereby of any money in the state treas appropriated, for the purpose causing to be compiled, the tex fore enumerated, together with in section one of said act afore maining to be compiled. The vided for in this section shall order of the state board of edu that all demands against said a first be approved by said state b and presented to the state board itemized form, for their approval proval of the state board of ex troller is hereby authorized to upon the state treasurer for the demands, and the state treasure pay the same.

Remuneration for compiling boo

Sec. 2. The state board of ed

y well-qualified persons to compile the books
ntioned in section one of this act, and shall fix
remuneration for the services thus rendered;
vided, that if competent authors shall compile
one or more works of the first order of ex-
ence, and shall offer the same as a free gift
he people of the state, together with the copy-
nt of the same, and the exclusive right to
nufacture and sell such works within the state
California, it shall be the duty of the state
rd of education to accept such gift, and to ex-
d no money for the purpose of compiling
ks relating to the subjects treated of in the
ks thus donated. The state board of education
ll furnish to the superintendent of state print-
designs for all cuts and engravings to be used
he said series of text-books.

ervision of superintendent of state printing.
ec. 3. The printing of all the text-books pro-
ed for in section one of this act, and all the me-
nical work connected therewith, shall be done
and under the supervision of the superintendent
state printing, at the state printing-office; pro-
ed, that the purchase of paper for the school
ks, and the card-boards, cloth, and leather for
ers, shall be procured by advertising for pro-
als to furnish the same in the manner now pro-
ed for by section five hundred and thirty-two
he Political Code, relating to paper supplies
the state printing-office; and provided further,
all folding, stitching, binding, and ruling
ll be done in the state bindery; but the ac-
nts of the school-book binding shall be kept
arate from those of all other binding. The
of one hundred and sixty-five thousand dol-
, in an addition to the unexpended balance of
sum appropriated by section nine of said act
esaid, approved February twenty-sixth,
nteen hundred and eighty-five, seven thousand
hundred dollars of which shall be available
ing the present fiscal year, is hereby appropri-
l out of any money in the state treasury not
erwise appropriated, to purchase the nec-
ary machinery, and to properly maintain
same, and to purchase such type and
er materials as may be required in the
nufacture of the text-books provided for in sec-

tion one of this act, together w
ated in section one of said act a
February twenty-sixth, eighte
eighty-five, and remaining to be
well as to pay the salaries or w
positors, binders, and other pe
ployed in such manufacture; p
state board of education shall
style of printing, engravings,
kind of paper, size, and binding
sum to be drawn by the superi
printing in the same manner as
division four of section five hu
six of the Political Code.

Secure copyrights.

Sec. 4. The state board of edu
cure copyrights to all the books
piled under the provisions of t
protect said copyrights from all

Moneys received kept in state t

Sec. 5. All moneys that have
may hereafter be received from
school text-books shall be kept
urer as a separate and distinct
as the state school book fund,
shall be subject to the followin
the superintendent of state
moneys needed for manufacturi
any book of the state series, ov
first fifty thousand copies manu
book, the same to be drawn as
vision four of section five hundr
of the Political Code; provided,
on the state school book fund s
to the state board of examiners
for their approval; and upon th
state board of examiners, the co
authorized to draw his warrant
treasurer for the payment of s
the state treasurer is authorized

Sec. 6. This act shall take effe
its passage.

act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government, for the state series of school text-books.

[Approved March 19, 1889; 1889, 327.]

mpiling, etc., books on civil government of the United States.

ection 1. The state board of education shall mpile, or cause to be compiled, the following cribed text-book for use of the common schools the state, viz.: One (1) elementary book on the l government of the United States, with a cial analysis of the government of the state California.

nting of.

ec. 2. The printing of said elementary book on l government, provided for in section one of s act, shall be done by and under the superion of the superintendent of state printing, subt to the provisions of section three of an act ened "An act to provide for compiling, illustrat- electrotyping, printing, binding, copyright-, and distributing certain books of a state se- of school text-books, and appropriating ney therefor," approved March fifteenth, hteen hundred and eighty-seven.

ec. 3. This act shall take effect from and af- its passage.

act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a state series of school text-books, and appropriating money therefor.

[Approved February 26, 1885.]

ies of school books.

ection 1. The state board of education shall mpile, or cause to be compiled, for use in the mon schools of the state, a series of school t-books of the following description, viz.: Three readers, one (1) speller, one (1) arithmetic, one grammar, one (1) history of the United States, one (1) geography. The matter contained in

the readers shall consist of le
with the simplest expressions
and, by a regular gradation,
including the highest styles of
in prose and poetry.

Compilers of same.

Sec. 2. The state board of ed
ploy well-qualified persons to
mentioned in section one of thi
the remuneration for the servi
provided, that if competent aut
any one or more works of the f
lence, and shall offer the same
the people of the state, togeth
right of the same, and the e
manufacture and sell such work
of California, it shall be the d
board of education to accept su
pend no money for the purp
works relating to the subjects
books thus donated. The state
shall furnish to the superintend
ing designs for all cuts and eng
in the said series of text-books

Printing and binding.

Sec. 3. The printing of all t
vided for in section one of this
chanical work connected therev
by and under the supervision of
of state printing at the state
vided, that the purchase of pa
books, and the card-boards, clo
covers, shall be procured by a
posals to furnish the same, in
provided for by section five hu
two of the Political Code, rela
plies for the state printing-offi
further, that when the state
operation, all folding, stitching,
ing of the state shall be done in
but the accounts of the school
be kept separate from those of

Copyrights.

Sec. 4. The state board of
cure copyrights to all the books
piled under the provisions of
protect said copyrights from al

ler for uniform use.

ec. 5. Whenever any one or more of the state ies of school text-books shall have been com- ed and adopted, the state board of education ll issue an order requiring the uniform use of d book or books in the common schools of the te; but said order for the uniform use of said k or books shall not take effect till the expira- n of at least one year from the time of the com- tion of the electrotype plates of said book or ks, and thereafter such book or books shall be d in all the common schools of this state; and school board or other school authority in this te shall have the power to authorize the use of, shall any common school in this state use books as text-books for pupils other than se directed to be used by the order aforesaid such state board, except books on such jects as are not provided for by text- ks published by the state. Nothing in act shall be construed to prevent any nty or school district from adopting any one more of the state series of school text-books enever said book or books shall have been pub- ed. The superintendent of public instruction st withhold from any city, city and county, nty, or from any school district in this state ng school books in violation of the provisions this act and section all state school moneys to ich it may be entitled, until it comply with the uirements of this section; and any moneys so hheld must be apportioned by the superintend- at the next annual apportionment in the same nner as other school moneys in the treasury. nendment approved March 31, 1891; Stats. , p. 453.]

t-books, how obtained.

ec. 6. All orders for text-books shall be made the superintendent of public instruction, and ll be accompanied by cash, in payment for the e, at the price fixed by the state board of cation as the cost price at Sacramento; pro- d, that if the books are to be shipped by mail, cost of postage shall also accompany the or-

The following persons shall be entitled to r books:

County superintendents of schools, for the

use of teachers, parents, and
counties only.

2. Principals of state normal s
own and for the use of the pupils
tive schools only.

3. The secretary or clerk of an
in the state, whether incorporate
under the general law of the stat
the pupils in such district only;
dered by the county superintende
district boards of trustees, or pr
normal schools, shall be sold at s
the cost price at Sacramento, wit
of freight and cartage added.

4. Any retail dealer who shall
the state superintendent of publ
affidavit, duly subscribed by him,
follows, to wit:

"In consideration of receiving f
inclosed or upon any future ord
school text-books, or any part th
by the state of California, I her
will not sell the same to any pers
the purpose of being sold again,
or persons beyond the limits of t
fornia; and that I will not sell sa
books or any part or portion th
exceeding the price to the pupil f
board of education."

Said affidavit shall be indorse
superintendent in the following

"I hereby certify that (A B) is
dealer in school books in —— cour
superintendent."

It shall be the duty of the stat
of public instruction to furnish,
county superintendent, for the u
in his county who may apply f
sell the books of the state serie
of the above affidavit, together
prices of such books fixed as th
Sacramento, and the price to the
dealer who shall fail to comply
tions of such affidavit shall forfei
further purchase of said books f
And it shall be the duty of the s
public instruction to report to the

or before the fifth day of every month, the
mber of books sold by him during the preced-
g month, and pay the moneys received for the
me into the state treasury. It shall also be the
ty of the superintendent of state printing, on or
fore the fifth day of every month, to report to
e state controller the number and value of the
oks shipped by him on the order of the state
perintendent of public instruction, and the
mber and value of the finished books on hand.
mendment approved March 15, 1887; Stats.
87, p. 145. In effect immediately.]

nties of board of supervisors.

Sec. 7. It shall be the duty of the boards of su-
rvisors of the counties or cities and counties in
is state to provide a revolving fund, for the pur-
se of enabling the county school superintend-
ts to purchase the state text-books; all moneys
be taken therefrom to be replaced by the
oneys received from the sale of said books to
e scholars of the public schools of his county,
her by himself or by the teachers of the public
hools, or the clerks of boards of district trustees.
mendment approved March 15, 1887; Stats.
87, p. 145. In effect immediately.]

opropriation for compilations.

Sec. 8. The sum of twenty thousand dollars is
reby appropriated, out of any money in the
ate treasury not otherwise appropriated, for the
rpose of compiling, or causing to be compiled,
e series of text-books for the common schools,
set forth in section one of this act. The ap-
opriation provided for in this section shall be
bject to the order of the state board of educa-
n; provided, that all demands against said ap-
opriation shall first be approved by said state
ard of education and presented to the state
ard of examiners in itemized form for their ap-
oval; and upon the approval of the state board
examiners, the controller is hereby authorized
draw his warrant upon the state treasurer for
payment of said demands, and the state treas-
er is authorized to pay the same.

propriation for presses, type, etc.

ec. 9. The sum of one hundred and fifty thou-
nd dollars is hereby appropriated out of any

money in the state treasury not o
priated, to purchase the necessa
presses, type, binding, electroyp
and such other material as may be
manufacture of the text-books pro
tion one of this act, as well as to
or wages of the compositors, bin
persons to be employed in such m
vided, that the state board of edu
approve the style of printing,
illustrations, kind of paper, size,
volumes; said sum to be drawn
tendent of state printing in the s
provided in subdivision four of s
dred and twenty-six of the Politic

Furnished at cost of printing.

Sec. 10. All school books compl
shall be furnished to the public sc
the state at the cost of printing,
distributing the same; said cost t
and fixed by the state board of
before the fifteenth day of June
year; and it is further enacted,
distribution shall be taken to be
age required for mailing each
ment approved March 15, 1887; St
In effect immediately.]

Sec. 11. All acts or parts of a
with the provisions of this act
pealed.

Sec. 12. This act shall take effe

Superintendent of public instructi
sistance.

Sec. 4. The superintendent of
tion is hereby authorized to em
necessary to the carrying out of
of this act. And the controller is
and authorized to draw his warr
not exceeding two thousand dolla
the general fund of the state, fo
of such assistance. [Amendi
March 15, 1887; Stats. 1887, 145.
diately.]

(The amendment added this new
end, but did not give it a new num
ber is the amendment section nu

n act to provide for the revision of certain books of the state series of school text-books, for the compilation of an additional book of said series, and for the continued publication of the same; and to authorize and direct the use, for these purposes, of the money accumulated in the state school book fund.

[Approved March 9, 1893; Stats. 1893, p. 85.]

Section 1. The state board of education is reby authorized and directed to revise the following books of the state series of school textoks, viz., the first, second, and third readers, the nglish grammar, the United States history, and e advanced arithmetic, and to compile a priary history of the United States; and in such vision and compilation may employ well-qualid persons to assist them; provided, that in resing said readers the board may cause them to issued in a series of five books or less, in their scretion; and the board shall furnish to the surintendent of state printing designs for all cuts d engravings to be used in the books revised d compiled under the provisions of this section. Sec. 2. All indebtedness incurred by said board carrying out the provisions of section one of is act shall be paid out of the money accumuted in the state school book fund from the sale the state series of school text-books; provided, at all demands on account of such indebtedness all first be approved by said state board of edution, and presented to the state board of exiners, in itemized form, for their approval, and on the approval thereof by the state board of aminers the controller is hereby authorized to aw his warrant upon the state treasurer for the yment of said demands, and the state treasurer authorized to pay the same; provided further, at the indebtedness incurred by said board in rrying out the provisions of section one of this t shall not exceed the sum of twenty-five thouad dollars ($25,000), which sum is hereby appropriated from the state school book fund for e use of the said board in the premises.

Sec. 3. The state board of education shall sere copyrights to all the books that shall be re-

vised or compiled, as the case m
provisions of this act, and shall
rights from all infringement.

Sec. 4. Whenever any one or
series of school text-books shall
or compiled, the state boarc of e
sue an order requiring the uni
book or books in the common sc
but said order for the uniform u
books shall not take effect till th
least one year from the time of
the electrotype plates of said
Nothing in this act shall be con
any county, city, city and coun
trict from using any one or mor
ries of school text-books provide
whenever said book or books sh
lished.

Sec. 5. The printing and bin
books specified in section one o
the mechanical work connected
be done by and under the superv
intendent of state printing, at t
office; provided, that the purch
the school books, and the binde
and leather for covers, shall be p
tising for proposals to furnish
manner now provided for by se
and thirty-two of the Political
paper supplies for the state pr

Sec. 6. Whenever the appropr
made from the general fund to
perintendent of state printing
ture of books of the state seri
books is exhausted, all indebted
the further manufacture of sa
paid from the state school boo
with all indebtedness incurred
and proper maintenance of su
chinery as may be required in
of said books, and to purchase su
materials as may be required f
vided, that all demands on the
fund, for the purposes enumerat
shall be presented to the state bo
in itemized form, for their appro
approval of the state board of e

oller is hereby authorized to draw his warrant
on the state treasurer for the payment of said
emands, and the state treasurer is authorized
pay the same.
Sec. 7. This act shall take effect immediately.

n act to provide for the levy and collection of
taxes by and for school districts, except in mu-
nicipal corporations of the first class.

Approved February 14, 1891; Stats. 1891, p. 4.]

Section 1. In all cases where the board
school trustees, board of school directors,
oard of education, or other governing board
any school district in this state, except
municipal corporation of the first class, has or
ay hereafter have power to raise money by tax-
ion without a vote of the people of the school
strict, in addition to the funds provided by state
nd county for school or educational purposes,
uch money shall be raised and such taxes
hall be levied and collected in the man-
er following, to wit: The board of trustees
rectors, or board of education shall, within the
mits fixed by law, estimate the amount of money
be so raised by taxation, and required by their
spective districts for school purposes during the
ear next ensuing, which year shall begin on the
rst Monday of January, at twelve o'clock, M.
aid meeting for such purpose shall be held be-
ween the first and twentieth day of September in
ach year; said estimate, showing the amount and
r what purpose the same is to be used, shall be
ntered upon the records of the board making the
ame, and signed by a majority of said board, and
ttested by the clerk or secretary of said board.
aid clerk or secretary shall immediately furnish
the board of supervisors of the county in which
ach district is situated a copy of said record con-
aining such estimate, which shall show the name
the district, the amount of money to be raised,
nd the purposes for which it is to be used.
Sec. 2. The board of supervisors, upon receipt
such estimate, must, at the time of levying the
unty taxes, levy a tax upon all the taxable prop-
ty in the school district requiring such money

sufficient to raise the amount; th
shall be ascertained by deductin
for anticipated delinquencies fr
assessed value of the property
it appears on the assessment r
and then divide the amount to b
mainder of said aggregate asse
taxes so levied shall be compute
the assessment roll by the county
lected at the same time and in
as state and county taxes, and
shall be paid into the county tre
of the district for which said mo
The county treasurer shall, upon
such moneys to the district entit
same manner as other school mo
by such treasurer.

Sec. 3. All acts and parts of ac
this act are hereby repealed.

An act to enable school district
fifth class, and school distric
territory a portion of which
portion of which is without
fifth class, to issue bonds f
raising money to purchase s
building or purchasing one
houses, and supplying the sa
necessary apparatus, and
grounds, and for liquidating
already incurred for such pu
peal an act approved March
"An act to enable cities of
issue bonds for the purpose
to purchase school lots and f
chasing one or more school-h
ing the same with furniture,
atus, and improving the gr
quidating any indebtedness
for such purposes."

[Approved March 23, 1893; Sta

Section 1. The board of educa
district in a city of the fifth clas
district which embraces territ
which is within and a portion o

such city of the fifth class, may, when in their judgment it is advisable, and must, when requested by the board of trustees of such city, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes. [Amendment, approved March 11, 1897; Stats. 1897, chap. xcix. In effect immediately.]

Sec. 2. Such election must be called by posting notices, signed by the board of education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices, in some newspaper published in such city, not less than once a week for three successive weeks.

Sec. 3. Such notices must contain,—

1. The time and place of holding such election.

2. The names of one inspector and two judges in each voting precinct in said district, to conduct the same.

3. The hours during the day, not less than six hours, in which the polls will be open.

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

Sec. 4. Such election shall be held, in all respects as nearly as practicable, in conformity with the general election law; provided, that no particular form of ballot shall be required, excepting that the words to appear on the ballots, which shall be "Bonds—Yes," or "Bonds—No"; nor shall any informalities, not amounting to fraud, in conducting such election, invalidate the same.

Sec. 5. On the seventh day after said election, at one o'clock, P. M., the returns having been made to the board of education, the board must meet and canvass said returns, and if it appears that two-thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board

of supervisors of the county in
is located the proceedings had
and thereupon said board of su
and they are hereby authorize
issue the bonds of such district
amount provided in such proce
of the bond fund of such dis
same), and that the money shal
ation upon the taxable proper
for the redemption of said bonds
of the interest thereon; provid
amount of bonds so issued sha
per cent of the taxable property
shown by the last equalized
property in such school district.

Sec. 6. The board of supervis
tered upon its minutes, shall pre
said bonds, and of the interest
thereto, and must fix the time
any part of the principal of sa
payable, which shall not be m
from the date thereof.

Sec. 7. Said bonds must be p
of the United States; must be s
ident of the board of supervi
signed by the clerk of the coun
the county seal thereto; must
rate of interest than eight per
to be payable semi-annually in
said bonds must be sold in the
by the board of supervisors, bu
par, in gold coin of the Unite
proceeds of the sale thereof mu
the county treasury to the cre
fund of said school district, and
the purpose aforesaid as other
drawn out.

Sec. 8. The board of supervis
making the levy of taxes for
must levy a tax for that year
property in such district for th
demption of said bonds; and suc
less than sufficient to pay th
bonds for that year, and such p
cipal as is to become due during
any event must be high enough
for the first half of the term s

un, a sufficient sum to pay the interest thereon, nd during the balance of the term, high enough o pay such annual interest; and to pay, annually, proportion of the principal of said bonds equal o a sum produced by taking the whole amount of aid bonds outstanding and dividing it by the umber of years said bonds then have to run; and ll moneys so levied, when collected, shall be paid nto the county treasury to the credit of the build- ng fund of such district, and be used for the ayment of principal and interest on said bonds, nd for no other purpose. The principal and in- erest on said bonds shall be paid by the county reasurer, upon the warrant of the auditor, out of he fund provided therefor; and it shall be the uty of the auditor to cancel and file with the reasurer the bonds and coupons as rapidly as hey are paid. This section shall also apply to all ases where bonds were issued under the provi- ions of the aforesaid act, approved March 31, ighteen hundred and ninety-one, and in such ases all moneys collected under the provisions f this section shall be paid by the county treas- rer, upon the warrant of the auditor, to the city reasurer of the city where such bonds and the nterest thereon are payable. Warrants for all uch moneys shall be drawn by the auditor from me to time, upon the demand of such city treas- rer. [Amendment, approved March 11, 1897; tats. 1897, chap. xcix. In effect immediately.]

Sec. 9. If the board of supervisors of any coun- in which any school district has issued bonds, nder the provisions of this act or under the pro- isions of said act approved March thirty- rst, eighteen hundred and ninety-one, shall ail to make the levy necessary to pay such bonds r interest coupons at maturity, and the same shall ave been presented to the county treasurer, and he payment thereof refused, the owner may file he bonds, together with all unpaid coupons, with he state controller, taking his receipt therefor, nd the same shall be registered in the state con- oller's office; and the state board of equalization hall, at their next session, and at each annual qualization thereafter, add to the state tax to be vied in said district a sufficient rate to raise the mount of principal and interest past due prior to

the next levy, and the same sh
collected as a part of the state
the state treasury, and passed to
of such district bond tax, and
warrants, as the payments mat
of such registered obligations,
register in the office of the sta
the same shall be fully satisfie
any balance then remaining sh
to the treasurer of the county
uated the district by which su
sued, and shall be placed by th
to the credit of the general sc
district. [Amendment, approve
Stats. 1897, chap. xcix. In effe

Sec. 10. The act approved
eighteen hundred and ninety-on
to enable cities of the fifth cl
for the purpose of raising m
school lots, and for building or
more school-houses, and supply
furniture, necessary apparatus,
grounds, and for liquidating an
ready incurred for such purpos
pealed.

Sec. 11. This act shall take
force from and after its passag

An act to provide for the appoi
of a clerk in the office of the
public instruction, and to m
tion therefor.

[Approved March 27, 1895; St

Section 1. The superintendent
tion may appoint an additional
be a stenographer, at a salary
dollars per year, payable in the
the salaries of other civil officer
paid.

Sec. 2. There is hereby appro
moneys in the state treasury no
priated the sum of twenty-four
for the payment of said clerk
forty-seventh and forty-eighth

mencing July first, eighteen hundred and ninety-five.

Sec. 3. This act shall take effect immediately.

An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state.

[Approved March 26, 1895; Stats. 1895, p. 170.]

Section 1. The superintendent of public schools, or in consolidated cities and counties, the superintendent of common schools, the county treasurer, or in consolidated cities and counties, the city and county treasurer, and the chairman of the board of supervisors, or in consolidated cities and counties, the mayor, of each county, or consolidated city and county, and their successors in office, are hereby constituted a board of trustees of the public school teachers' annuity and retirement fund, to manage the same as hereinafter directed; said board shall be known as the public school teachers' retirement fund commissioners, and its members shall serve without extra compensation, and shall be liable on their official bonds for the performance of the duties imposed by this act. It shall be the duty of the district attorney of every county, or the city and county attorney of every consolidated city and county, to attend to all suits, matters, and things in which the said board of commissioners may be legally interested, and to give his advice or opinion, in writing, whenever required by said board. [Amendment, approved March 29, 1897; Stats. 1897, chap. clxix. In effect immediately.]

Sec. 2. The public school teachers' retirement fund commissioners shall organize as such board by choosing one of their number as chairman, and one as secretary. The county treasurer, or in consolidated cities and counties, the city and county treasurer, shall be ex officio treasurer of said retirement fund. Said board shall hold quarterly meetings on the third Saturday in January, April, July, and October of each year, at the office of the county superintendent of public schools, or, in consolidated cities and counties, at the office of the

superintendent of common schoo
nially, at its meeting in Januar
members a chairman and a sec
ity of its members shall constit
the transaction of business. It
ally to the board of supervisors
consolidated city and county, the
retirement fund, and the recei
ments on account of the same,
complete list of the beneficiaries
the amounts paid to each of the
approved March 29, 1897; Stats.
In effect immediately.]

Old section 3 amended and ren

Sec. 3. Said board of public s
tirement fund commissioners sh
signed by its chairman and sec
sons entitled thereto, for the a
ordered paid to such persons f
said board, stating therein for w
payment is made, and the treasu
warrants on presentation. Said
a record of all its proceedings,
shall be open to public inspect
each quarterly meeting, make
sons, if any, entitled to payment
provided by this act, and enter
to be kept by them for that pur
as the public school teachers' a
ment fund book, which list sha
correct by the chairman and the
board, and which shall be open
tion. [New section approved
Stats. 1897, chap. clxix. In eff

Old section 4 incorporated in

Sec. 4. In addition to the po
granted to said board, it shall
power, (1) to provide for the pa
hereinafter described annuity f
expenses, such as printing, statio
stamps; and in counties, or in
and counties, where the number
the burdens of this act is great
dred, to employ a clerk at a sal
twenty-five dollars per month;
needful rules and regulations f
of its business, from time to tim

essary. [Amendment, approved March 29, 1897; Stats. 1897, chap. clxix. In effect immediately.]

Old section 5 amended and renumbered 4.

Sec. 5. Those subject to the burdens of this act n each county, or in each consolidated city and county, at a meeting called for that purpose by he superintendent of public schools of such coun- y, or by the superintendent of common schools f such city and county, on the first Saturday in May following the creation of the fund hereinaf- er specified, shall elect by ballot five of their num- ber, who shall constitute a committee on retire- ment; the members of said committee shall, imme- diately after their election, classify themselves by ot so that one shall serve for one year, two shall erve for two years, and two shall serve for three ears; and thereafter, annually, at a meeting alled in the same manner on the first Saturday n May, the successor or successors of the member r members of said committee whose term of office as expired, shall be elected for a term of three ears; provided, however, that said committee hall always consist of at least one class teacher rom some primary school, one from some gram- mar school, and one from some high school within he county, or consolidated city and county, when- ver such election is possible. [New section ap- roved March 29, 1897; Stats. 1897, chap. clxix. n effect immediately.]

Old section 6 amended and renumbered 10.

Sec. 6. The board of education of any incorpo- ated city or town, and the board of trustees of ny school districts outside of said city or town, hall refer all applications for retirement to said ommittee on retirement, or may, of its own mo- ion, submit the name of any person or persons, whom it desires to have retired, to the said com- ittee on retirement, and it shall thereupon be he duty of said committee to investigate the case nd report to said board of education or board of rustees, whether or not said teacher should be etired, and the annuity to which said teacher is ntitled, if entitled to any. At least three mem- ers of the said committee must concur in the re- ort, if it be in favor of granting said annuity. his report of said committee shall be final. Said oard of education, or board of trustees, shall

thereupon certify and send this
lic school teachers' retirement fu
who shall be bound by its decisi
approved March 29, 1897; Stats.
In effect immediately.]

Old section 7 amended and re

Sec. 7. In addition to the p
granted to said committee on re
have the power (1) to subpœna
nesses to attend and testify bef
ters relating to the operation of
member of said committee ma
oath or affirmation to such witne
scribed in courts of justice; (2) t
and regulations for the transacti
as may from time to time be
section approved March 29, 1897;
clxix. In effect immediately.]

Old section 8 amended and re

Sec. 8. (a) Any teacher who
in the public schools of this sta
thirty years, as a teacher or s
who shall have been subject to
posed by this act for thirty years
to retire and to receive from
teachers' annuity and retirement
thirty dollars ($30) per month
fifty dollars per month in conso
counties, payable quarterly; and
shall have become incapacitate
the duties of a teacher, and who
contributor to the annuity fund
years, shall be entitled to retire
annuity from the public school
and retirement fund equal to s
the maximum annuity granted
the time that he or she has be
burdens imposed by this act, be
of thirty years; provided, howeve
ity shall be suspended if its re
service in the public schools,
less than two-thirds of the m
shall cease if the committee on
tuted in section five of this act,
decide that its recipient has bee
capacity of performing the dut
and has been reimbursed from

t least the full amount of his or her contribution hereto; provided, further, that such proportionte reduction shall not apply to those now employd in the public schools who shall have filed the otice hereinafter specified within ninety days fter the passage of this act in counties, or in onsolidated cities and counties where the provions of the act to which this act is amendatory re now applicable, and within ninety days after he establishment of the fund hereinafter speci-ed in all other counties, or consolidated cities and ounties, and who shall have paid at the time of heir retirement an amount equal to what they ould have paid into the fund had they been conributing thirty years; provided, further, that if person cease to teach in any county, or city and ounty where he or she has been subject to the urdens imposed by this act, then after such peron has taught in the public schools of this state or thirty years, he or she shall be entitled to re-re and to receive from the public school teachers' nnuity and retirement fund of the county, or onsolidated city and county to which he or she as contributed, an annuity equal to such proporon of the maximum annuity granted under this ct, as the time that he or she has been subject to he burdens imposed by this act in such county, or ity and county, bears to the period of thirty ears; and provided further, that if any teacher hall be compelled by reason of ill health, to retire rom the profession of teaching after the expiraon of five years and before the expiration of hirty (30) years of service in the public schools f this state, such retiring teacher, if a conributor to the annuity fund at the time of etirement, shall be entitled to as many thirtieths 0ths) of the full annuity as he or she has had ears of service by paying into the annuity fund he contributions to that fund corresponding to hose years of service rendered at a time when or n a place where it was impossible to make such ontributions by reason of the nonexistence of an nnuity fund.

(b) Teachers of evening schools receiving a salry of fifty dollars or less, shall be subject to one-alf its burdens and shall be entitled to one-half of he benefits of this act; provided, that any teacher

who is employed both in a day
school shall be considered for
act to be employed in a day sc
ment approved March 29, 189
clxix. In effect immediately.]

Old sec. 9 amended and renu

Sec. 9. If at the end of any
shall not be a sufficient amou
"annuity fund" hereinafter d
warrants or demands of annu
the money in that fund shall
among them, and the sum re
nuitant shall be in full disch
against said fund to that date
proved March 29, 1897; Stats
In effect immediately.]

Sec. 10. The public school
and retirement fund herein
consist of the following, with
terest thereof: (I) Twelve doll
year, of the salaries paid to all
burdens of this act, in each co
city and county, shall be dedu
rants for salary, and paid by
county, or consolidated city
public school teachers' retire
sioners of said county, or co
county; and it shall be the d
of the Board of Education in
city or town, or consolidated c
the secretary of the board o
school district outside of suc
consolidated city and county,
rant the amount to be deduct
(II) All moneys received from
devises, or from any other
money, pay, compensation, or
ducted, or withheld from the
for salary of any teacher or
account of absence from dut
which the Board of Educatio
rated city or town, or the Bo
every school district outside o
may appropriate and set apa
fund; and said Board of Ed
of Trustees, are hereby empo
such moneys, or any part the

rovided, that in consolidated cities and counties, fter the establishment of an annuity fund there- , it is hereby made the duty of Boards of Edu- ation to appropriate. monthly, at least one-half of uch moneys for such fund. [Amendment ap- roved March 29, 1897; Stats. 1897, chap. clxix. n effect immediately.]

Sec. 11. The public school teachers' annuity nd retirement fund herein provided for shall be ivided into two distinct funds, or accounts, (1) he permanent fund, and (2) the annuity fund.

(1) The permanent fund.

A. The permanent fund shall consist of: (I) wenty-five per cent of all contributions from ose affected by this Act; (II) Twenty-five per nt of all gifts, bequests, or devises, unless other- ise ordered by the donor or testator; (III) Twen- -five per cent of all moneys deducted from the lary of teachers because of absence from duty.

B. When the permanent fund shall amount to e sum of fifty thousand dollars, then all moneys ereafter received shall go into the annuity fund, cept such gifts, devises, or bequests as may specially directed by its donor or testator to placed in the permanent fund.

C. It shall be the duty of the public school achers' retirement fund commissioners to invest e aforesaid permanent fund in interest-bearing nds issued by the federal, state, county, city nd county, or municipal governments, and to ap- y the interest thereon as herein directed.

(2) The annuity fund.

A. The annuity fund shall consist of: (I) The come derived from the permanent fund; (II) All her moneys belonging to the public school teach- s' annuity and retirement fund, not hereinbe- re directed to be placed in the permanent fund; II) All money in the fund provided for in the t to which this is amendatory.

B. The annuity fund shall be the only one from hich annuitants shall be paid.

C. If at the end of any fiscal year there re- ains any surplus in the annuity fund, said sur- us shall be deposited by the public school teach- s' annuity and retirement fund commissioners in ny savings bank or savings banks designated by

them. [New section approved
Stats. 1897, chap. clxix. In effe
Sec. 12. This act shall be
such public school teachers, a
cers of the school department a
certificates, who, after the pa
shall sign and deliver to the pub
retirement fund commissioners
tary of the Board of Educati
rated city or town, or consolida
ty, or to the secretary of the Bo
the school district in which t
a notice in substantially the

To the Public School Teachers
tirement Fund Commissione
ty (or city and county):

You are hereby notified that I
by, and desire to avail myself o
the Act of the Legislature of
fornia, approved ——, eigh
ninety-seven, entitled "An Act
approved March twenty-six, eig
ninety-five, entitled 'An Act to
ister a public school teachers'
ment fund in the several coun
counties in the State.'"

Public

And provided, that at least th
in the county, or consolidated c
filed the notice hereinbefore s
further, that in all counties, or
ies and counties, when there i
teachers than thirty, this Act
all those who signify their
bound thereby.

(2) In consolidated cities an
be binding upon all teachers e
to teach in the public schools o
cities and counties after the p

(3) Annuities heretofore gra
visions of the act of which t
tory shall be continued for th
heretofore paid, subject, how
tions imposed by sections nine

' this act. [Amendment approved March 29, 97; Stats. 1897, chap. clxix. In effect immediely.]

Sec. 13. All acts or parts of acts in conflict ith the provisions of this act are hereby realed. [Amendment approved March 29, 1897; ats. 1897, chap. clxix. In effect immediately.]
Sec. 14. This Act shall take effect and be in rce from and after its passage. [Amendment pproved March 29, 1897; Stats. 1897, chap. clxix. effect immediately.]

An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

[Approved March 13, 1883; 1883, 298.]

Section 1. All moneys that have been or shall raised by special tax, for the purpose of erectg school buildings, that shall remain in the nds of the county treasurer, after all bonds that ve been or may be issued on account of such ildings shall have been redeemed, and all other debtedness arising on account of such building all have been liquidated, shall be placed in the unty school fund of the school district for which ch moneys were raised, subject to the order of e trustees of said district.

An Act to enforce the educational rights of children.

[Approved March 28, 1874; 1873-4, 751.]

ildren to be sent to school.
Section 1. Every parent, guardian, or other per- n in the state of California having control and harge of any child or children between the ages eight and fourteen years shall be required to nd any such child or children to a public school r a period of at least two-thirds of the time durg which a public school shall be taught in each y, or city and county, or school district, in each

school year, commencing on th
in the year of our Lord eightee
enty-four, at least twelve wee
be consecutive, unless such ch
excused from such attendance
education of the city, or city
the trustees of the school dist
parents, guardians, or other pe
its being shown to their satis
her bodily or mental condition
prevent attendance at school,
study for the period required,
or guardians are extremely po
such child or children are ta
school, or at home, in such br
ally taught in the primary sch
or have already acquired a g
such branches; provided, in ca
shall not be taught for three
year, within one mile by the ne
of the residence of any person
district, he shall not be liable t
this act.

Notice of law.

Sec. 2. It shall be the dut
of each board of education, a
each board of district trustees,
lfornia, to cause to be posted th
law in the most public places
and county, or in the school di
in one newspaper therein for t
month of June in each year, th
publication to be paid out of t
such city, or city and county, o
the case may require.

Misdemeanor.

Sec. 3. In case any parent,
person shall fail to comply wit
this act, said parent, guardia
shall be deemed guilty of a
shall be liable to a fine of not
dollars; and for the second and e
fense the fine shall not be less t
nor more than fifty dollars; and
lan, or other person so convict
costs. Each such fine shall be
the proper board of education,
trustees.

secutions.
ec. 4. And it shall be the duty of the clerk of
h board of education and of each board of dis-
t trustees, on complaint of any teacher or tax-
er, to prosecute all offenses occurring under
provisions of this act; and any clerk neglect-
to prosecute such offense within ten days after
ritten notice has been served on him by any
cher or taxpayer within the limits of the au-
rity of said board, unless the person so com-
ined of shall be excused by the proper school
rd, shall himself be liable to a fine of not less
n twenty dollars nor more than fifty dollars,
ich fine shall be prosecuted for in the name of
people of the state of California, and the fine
collected shall be paid over to the clerk of the
rd of education or trustees of the proper city,
city and county, or school district, to be ac-
unted for as in section three of this act; and in
e such prosecution fail, the expenses thereof
ll be paid out of the school fund of the city, or
and county, or school district, in which the
e arose.

ts and reports.
ec. 5. And it shall be the duty of the census
rshal to furnish each board of education and
district trustees with a complete list of all chil-
n living within the jurisdiction of said board,
to note on such lists all children not attend-
colleges, college schools, private schools, or be-
taught at home, who are liable to the provis-
s of this act; and each teacher teaching within
limits of the jurisdiction of such board shall
supplied with a list of all children within his
her department or school, and shall call such
each morning on the opening of school, and
e the absentees, and the reason of such ab-
ce, if any, and at the close of each term of
ive weeks shall make a full report to the board
education, or of district trustees, of all such
es of absence, with the names both of children
parents, guardians, or other persons having
h children in charge, and said board shall
reupon forthwith proceed to prosecute such
ents, guardians, or other persons, according to
provisions of this act.

Deaf, dumb, and blind.

Sec. 6. And whereas, the stat
institution for the gratuitous
resident deaf and dumb or blin
the ages of six and twenty-one
or guardian of any child or chi
deafness or blindness shall be
penalties hereinbefore specified,
or children to said institution
less than five years, unless suc
shall have been excused by th
on the grounds specified in sect

Jurisdiction.

Sec. 7. Any justice of the p
city, or city and county, or sc
have jurisdiction of all offense
the provisions of this act.

Sec. 8. This act shall be i
from and after the first day o

An act to prevent discriminati
teachers.

[Approved March 30, 1874

Female teachers to receive sam
males.

Section 1. Females employed
public schools of this state sh
ceive the same compensation
teachers for like services when
grade certificates.

Sec. 2. This act shall take ef
from and after its passage.

An act to continue in force sch
icates, state educational dip
plomas.

[Approved February 5, 1880; 18

Certificates and diplomas conti

Section 1. All teachers' city,
county, and state certificates,
diplomas, life diplomas, and
certificates and diplomas issu
California, under and in purs
thereof, on or before the thir

mber, A. D. eighteen hundred and seventy-nine, all be and the same are hereby continued in full rce and effect, and shall be deemed valid for all irposes and to the full extent of time that the me were and were intended respectively to be der the said laws, on and before the said thirty-st day of December, A. D. eighteen hundred and venty-nine.

Sec. 2. This act shall take effect from and after s passage.

n act to continue in operation the public schools of this state.

Approved March 6, 1880; 1880, 7 (Ban. ed. 14).]

suance of temporary certificate.

Section 1. The county superintendent of schools each and every county in this state is hereby apowered to issue a temporary certificate to any acher whose certificate has expired, or shall ex-re between the first day of January, eighteen ndred and eighty, and the first day of June, ghteen hundred and eighty. The certificate so anted shall be of the same grade as the one in ace of which it is issued, and shall be valid only til the first meeting of the board which shall be mpetent to issue teachers' certificates.

Sec. 2. This act shall take effect immediately.

n act to protect the school districts of this state from injury during the year eighteen hundred and eighty, by the operation of section twelve of article thirteen of the constitution.

Approved April 15, 1880; 1880, 75 (Ban. ed. 261).]

This act declared that school districts should not rfeit their school funds prior to June 30, 1880, by ason of any change in the mode of payment of e funds, and provided for the payment of teach-s' salaries until June 30, 1880.

SCHOOL LANDS.

See State Lands.

TITLE 247.

SEDUCTION

Acts relating to: See Penal C
tle "Seduction," p. 653.

TITLE 248.

SETTLERS.

An act for the protection of
homestead claim

[Approved March 23, 1874

Title of pre-emption claimants

Section 1. Every qualified p
ant under the pre-emption la
States, residing on public lan
States within this state, who s
declaratory statement in acco
pre-emption laws, shall, from t
ing be deemed to have title to
session of all the land describe
tory statement as against tresp
sons having no superior right o
as long as he shall continue to
to comply in good faith with
laws.

Title of homestead claimants.

Sec. 2. Every qualified home
der the homestead laws of the
siding on public land of the Un
this state, who shall have made
stead entry in accordance wit
from the date of such entry, b
title to and to be in possessio
described in such entry, as agai
all persons having no superior
same, as long as he shall contin
on, and to comply in good fait
stead laws.

Construction of act.

Sec. 3. Nothing in this act

either restrict or enlarge the right of bona fide iners to mine for precious metals on the pub- domain, or to change any general or special ws of this state concerning the grazing of ani- als on lands not fenced.

Sec. 4. This act shall take effect from and af- r its passage.

In regard to settlers upon public lands of the ate, see the Political Code, and particularly sec- ons 3443 and 3497.

TITLE 249.

SEWERS.

See Streets.

n act to confer power upon supervisors, or other governing body of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

[In effect March 14, 1881; Stats. 1881, 76.]

Section 1. The board of supervisors, or other verning body of any county, or city and county, this state, shall have power, and it shall be the ty of said board of supervisors, or other governg body, whenever they deem it necessary to pro- ote the sanitary condition of such city and unty, to complete all main intercepting sewers retofore constructed, or partially constructed, at e expense of such county, or city and county, so to extend the same to a suitable and proper tlet, deemed necessary for the protection of life d property in the judgment of said board of su- rvisors, or other governing body, the expense ereof and consequent thereto to be chargeable and to be paid out of the general fund of the easury of such county, or city and county, not to ceed the sum of ninety thousand dollars.

Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations. [Stats. 1899, ch. 66.]

TITLE 250.

SHASTA COUNT

A reference to local acts relatin
ty is contained in Deering's A
Code, pp. 692, 693.

TITLE 251.

SHEEP.

See Goats.

A collection of the acts relating
tained in Deering's Penal Code,

TITLE 252.

SHERIFFS.

Acts relating to: See Penal Co
tle, Sheriffs, p. 654; Political Co
tle, Sheriffs, p. 1060.

TITLE 253.

SIERRA COUNT

A reference to local acts rel
county is contained in Deering's
Code, pp. 698, 699.

TITLE 254.

SILK CULTURE

Consult the following acts:

An act to establish a state boa
and to provide moneys for the
[Approved March 15, 1883; 1883

An act to establish a state board of silk culture, nd to provide moneys for the expenses thereof. Approved March 18, 1885; 1885, 216.]

TITLE 255.

SISKIYOU COUNTY.

A reference to the local acts relating to Sierra unty can be found in Deering's Annotated Pe- l Code, pp. 702 and 703.

TITLE 256.

SOLANO COUNTY.

A reference to the local acts relating to Solano unty is contained in Deering's Annotated Penal ode, pp. 703-707.

n act to locate the county seat of Solano county. [Approved March 28, 1874; 1873-4, 783.]

STATE CAPITOL.

Many acts relating to the state capitol have been assed, but they are not inserted, as they refer ainly to the improvement of the grounds and ilding.

Act to prevent sale of liquor at: See Penal de, Appendix, p. 581.

TITLE 257.

SOLDIERS AND SAILORS.

Consult the following acts:

An act to recognize the veterans' home at untville as a state home for the maintenance

of disabled soldiers and sailors
States, and to designate an offi
moneys appropriated by the Unit
count of said home. [Approved
1889, 418.]

An act to provide for the build
ing of the home for soldiers' wid
and army nurses, and for the sta
the management of such institut
rule proportioned to the numbe
said institution, for the managem
and for the support of indigent pe
the said home. [Approved Marc
206.]

And the amendment of this act
31, 1891; Stats. 1891, p. 428.

An act entitled "An act to prev
unlawfully using or wearing th
Grand Army of the Republic
[Approved March 10, 1887; 1887,

An act to provide for the bur
soldiers, sailors, and marines, in
may hereafter die without le
means to defray funeral expens
March, 15, 1889; 1889, 198.]

TITLE 258.

SONOMA COUNT

A reference to the local acts re
county is contained in Deering's
Code, pp. 705-707.

TITLE 259.

SQUIRRELS AND GO

There are in force in a few of t
cial and local acts designed for t
squirrels and gophers. These n
referring to Deering's Annotated
707-708.

TITLE 260.

STALLIONS.

The Political Code, sec. 19, in continuing in orce all acts in relation to lawful fences, estrays, nd the trespassing of animals upon private propty, seems to have continued in force the acts oncerning stallions:

These acts are collected in Deering's Annotated enal Code, pp. 708-710.

TITLE 261.

STAMPS.

An act to provide for the redemption of unused id uncanceled stamps of the state of California, eretofore sold. [Approved April 1, 1876; 1875-6, 7.]

This special act provides for the appropriation ten thousand five hundred and forty-five dollars id forty-one cents with which to redeem unused id uncanceled state stamps issued under an act provide revenue for the government of this ate, approved March 9, 1861. It is not deemed of fficient importance to give in full or do more an refer to it.

TITLE 262.

STANISLAUS COUNTY.

A reference to local acts relating to Stanislaus ounty is contained in Deering's Annotated Penal ode, pp. 710, 711.

TITLE 263.

STATE.

Acts relating to: See Code of Civil Procedure, ppendix, title, State, p. 868 et seq.; Political ode, p. 1061.

TITLE 264.

STATE ANALYS

Acts relating to: See Political
title, State Analyst, p. 1062.

TITLE 265.

STATE CAPITO

Act prohibiting sale of liquo
16, 1880; Stats. 1880, p. 80, Ba
acts have been passed relatin
itol, but as they principally w
bills for the improvement of
grounds, they have not been i
in. A constitutional amendme
state capitol from Sacramento
passed in 1893; Statutes 1893, p.
invalid in Livermore v. Waite, 1
sult Deering's Annotated Penal
691.

TITLE 266.

STATE LANDS

An act providing for the present
lation of unlocated school lan
state of California, issued un
state of California, approved
viding for the disposal of t
thousand acres of land donat
California by the governme
States, and authorizing the
state to draw his warrant o
urer for the sum of two do
favor of any bona fide owner
such land warrant, for every
by any such land warrant.

[Approved March 23, 1893; Sta

An act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same.

[Approved March 20, 1889; 1889, 434.]

Purchase of sixteenth and thirty-sixth sections.

Section 1. Every application to purchase any portion of the sixteenth and thirty-sixth sections shall be accompanied by a deposit of twenty dollars, in addition to the fee for filing now required by law, for which the surveyor general shall give the applicant a receipt, which receipt shall be accepted by the county treasurer in part payment of the purchase price of said land. If the applicant shall abandon or forfeit his said application, or shall fail to make proper proof as to the character of the said land, or as to his residence thereon, within the time allowed by law, or if his application shall be rejected by reason of any false statement in the affidavit herein contained, the twenty dollars thus paid shall go to the state school fund. If it is found that the surveyor general erred in receiving the application, or that the state cannot make a good title to the land, then the applicant or his assigns may surrender to the surveyor general the said receipt, and receive in exchange therefor a certificate showing the amount so paid, and the reason why the application could not be approved or perfected, and the controller, upon the surrender to him of the said surveyor general's certificate, shall issue to the applicant, or his assigns, a warrant for the said amount.

Filings.

Sec. 2. Any number of filings on any section of land is hereby permitted and allowed under the provisions of this act. Should the first filing be abandoned by the applicant, the next filing on such section, in order, shall have the same right as if it had been the first filing.

Moneys to go to school land deposit fund.

Sec. 3. The moneys received by the surveyor general under the provisions of this act, except

the moneys forfeited under sect
paid to the state treasurer at t
month, and must be placed in a
ed school land deposit fund, to
county in which the lands applie
When any moneys are placed in
fund to the credit of a county,
the next settlement with the c
treasurer of such county, must
upon the state treasurer for th
fund to the credit of the count
the direction herein to the contr
from the operations of section
seventy-two of the Political Code

An act respecting the payment
of certificates of purchase f
the state of California prior t
and for which the said state
heretofore issued certificates
subsequent purchasers.

[Approved March 20, 1889;

When holders of certificates of
lands deemed to have forfe
therein.

Section. 1. Whenever applica
made to purchase lands from thi
ment only in part has been made
of the proper county for the same,
of purchase has been issued to th
to the twenty-seventh day of
hundred and seventy-two, and wh
plicant, his assignee or assignees,
for five years to pay to the stat
principal or of interest due to th
land, and the state shall at any
have issued a certificate of purch
land, or any part thereof, to a
chaser, then, unless the holder or
prior certificate shall pay the enti
interest remaining unpaid for such
in six months from and after the
act, such holder or holders shall
have lost all right to the land desc
tificate, or to complete the purch

nd all moneys heretofore paid to the state of California on such purchase shall be deemed and aken to be forfeited to the state. Nothing herein ontained, however, shall be deemed or taken to ive to or confer upon the holder or holders of uch prior certificates, or any of them, as against he state of California, or any subsequent purhasers therefrom, or against the holders of subequent certificates of purchase, any other or reater right to the lands herein referred to than s now held by the holder or holders of such prior ertificates, or to confer upon such holder or holdrs any new right, or to affect or impair the rights f such subsequent purchasers or their assigns.

Previous part payment confers no special rights—Does not apply.

Sec. 2. The mere fact of previous part payment hall not of itself confer on such prior purchaser r his assigns any right to complete the purchase, f he or they be not otherwise entitled so to do, as gainst the state, and a subsequent purchaser or is assigns; provided, that this act shall not aply to any action now pending commenced within ve years.

Sec. 3. This act shall take effect from and after he date of its passage.

In addition consult the following acts:

An act ceding to the United States of America risdiction over all lands within this state which ave been or may hereafter be acquired by the nited States for military purposes. [Stats. approved March 2, 1897; Stats. 1897, chap. lvi.]

An act ceding to the United States of America risdiction over lands in this state ceded to the nited States. [Approved March 31, 1891; Stats. 891, p. 262.]

An act relinquishing to the United States of merica the title of this state to certain lands. Stat. approved March 9, 1897; Stats. 1897, chap. xxi.]

An act to authorize the gover
general to sell and convey the
certain lands. [Approved Marc
1891, p. 251.]

An act to legalize applications he
the purchase of lands belon
and to confirm the title of t
der such applications.
[Approved March 27, 1872;

An act for the relief of purchas
[Approved March 27, 1872; 187
April 1, 1875; 1877-8,

An act entitled "An act to ena
state lands to redeem the sa
tles have been or may herea
for non-payment of interest."
[Approved March 7, 1881; S

An act to provide for an exam
sale and disposal of st
[Approved April 1, 1876; 1

An act to protect bona fide set
lands.
[Approved March 23, 1874;

An act to reserve from sale the
tion sixteen in township seve
three east, Monte Diablo me
[Approved April 1, 1876;

An act for the protection of s
lands claimed by the state.
[Approved March 10, 1874;

TITLE 267.

STATE PRINTE

Acts relating to: See Political
title, State Printer, p. 1064.

TITLE 268.

STATE PRISONS.

Acts relating to: See Penal Code, Appendix, title, State Prisons, p. 654.

TITLE 269.

STATUTE OF LIMITATIONS.

Acts relating to: See Code of Civil Procedure, Appendix, title, Statute of Limitations, p. 874 et seq.

TITLE 270.

STEVENSON, ACT FOR RELIEF OF.

An act for the relief of Colonel Jonathan D. Stevenson, and to appropriate money therefor. [Approved March 31, 1891; Stats. 1891, p. 260.]

The act appropriated $125 a month for twenty-three months for the purpose indicated.

TITLE 271.

STOCKTON.

An act to provide for the construction and maintenance of an open canal from and along North street, in the city of Stockton, county of San Joaquin, state of California, to the San Joaquin river, for sanitary and drainage purposes, and to appropriate money therefor. [Approved March 31, 1887; 1887, 109.]

The act authorized the directors of the Insane Asylum to construct the above canal.

TITLE 272.

STREETS.

An act to provide for the plant
and care of shade trees up
alleys, courts, and places v
ties, and of hedges upon
also, for the eradication of ce
in city limits.

[Approved March 11, 1893; Sta

Section 1. All streets, lanes,
courts in the municipalities of th
or dedicated, or which may here
dedicated, to public use, whos
officially established, and which
ly graded in conformity therewi
ed with shade trees, along the
walks thereof, by order of the c
shall have power, also, to prov
tenance and care of the same;
cil shall have power to prescribe
ness, and manner of trimming
out, or that shall be hereafter
line of any street, lane, alley, p
icated to public use, whether g
to compel compliance with its
premises by the owners or occ
fronting thereon. The powers
upon city councils shall be exer
ner and under the proceedings
scribed.

Sec. 2. The city council of a
the state may, at its discretion,
of intention to plant, or cause t
shade trees, any graded street,
or court within the limits of s
Such resolution of intention
entire length of any street, lan
court, or any portion thereof, bu
kind of trees to be planted, th
their distance apart. The stre
shall thereupon cause to be co
along both sides of the street
resolution at not more than t

distance apart, notices of the passage of said solution. Said notice shall be headed "Notice to lant Shade Trees," in letters not less than one ch in length, and shall, in legible characters, set rth the language of the resolution and the date f its passage. The city clerk shall also cause a py of the resolution to be published for six days one or more daily newspapers published and cir- lated in said city, and designated by said city uncil.

Sec. 3. The owners of a majority of the front- ge of the property on both sides of the street pro- sed to be planted as aforesaid may, within ten ys after the expiration of the time of publica- on of said resolution, file their written statement f objections to the proposed work with the city erk, which must be signed by the objectors, ch one writing after his or her name the num- er of feet frontage owned by him or her. Such jection must show wherein the parties making em will be injured or aggrieved by the proposed ork, and if the objection be to the kind of trees roposed to be planted, they must name some oth- kind of tree to be substituted therefor. The ty council shall, at its next meeting after the ing of said objections, fix a time for hearing e same, not less than one week thereafter. The ty clerk shall thereupon notify each objector, or s agent, who has signed his or her name to the atement, by depositing, in the postoffice of said ty, a notice addressed to him or her, postage pre- aid, notifying the objectors of the time and place f hearing. At the time specified, the council all hear the objections urged, and pass upon the me, and its decision shall be final and conclu- ve, except that in the choice of trees to be plant- d, it shall be governed by the written request of e owners of a majority of the frontage on both des of the street which it is proposed to plant. f the objections be sustained, no further proceed- gs shall be taken under the resolution of inten- on for six months after the date of its passage. f it be again proposed to plant the street, the ouncil shall commence proceedings de novo as if o action had been previously taken.

Sec. 4. At the expiration of ten days after the xpiration of the time of publication of said reso- ution of intention, if no written objections to the

work therein described shall have been filed w
the city clerk, as hereinbefore provided, otherwi
immediately upon the overruling of the objecti
by the council, the council shall be deemed to h
acquired jurisdiction to order to be done the w
which is authorized by this act, which order sh
be published for two days in the same papers a
manner as provided for the publication of the r
olution of intention.

Sec. 5. Before passing any resolutions for
planting of any street, the city council shall ca
notice, with specifications, to be posted conspi
ously for five days near the door of the cou
chamber, and shall advertise the same for f
days in the same manner and papers as heretof
provided for the publication of the resolution
intention, inviting sealed proposals for bids
furnishing the trees and doing the work order
All bids shall state the sum or price for which
bidder will undertake to furnish the trees, of
kind, age, and size required, and will suitably p
pare the ground, set out the trees, warrant ev
one of them to grow, or replace all that fail
grow or receive damage from whatever cause w
others of the same kind, and of suitable age a
size to preserve uniformity, and will for th
years care for, cultivate, protect, irrigate, a
trim said trees. And no order for the planting
any street shade trees shall be made that does
likewise provide for the care and maintenance
the trees for three years by the contractor pla
ing the trees. All proposals or bids shall be
companied by a check payable to the order
the mayor or president of the city council, certif
by a responsible bank, for an amount which sh
not be less than ten per cent of the aggregate
the proposal. Said proposals or bids shall be
livered to the clerk of the city council, indors
"Proposals to plant trees," and said council sh
in open session, examine and publicly declare
same; provided, that no proposal or bid shall
considered unless accompanied by said che
The council may reject all proposals, should
deem this for the public good, and shall reject
bid of any party who has been delinquent or
faithful in any former contract with the mu
cipality, and may award the contract to the lo
est responsible bidder, at the prices named in

d, which award shall be approved by the mayor president of the council. Notice of such awards contract shall be posted and advertised for five ys, in the manner hereinbefore provided, and it all be the duty of the superintendent of streets enter into a contract with the bidder to whom e work shall have been awarded by the coun-, and at the prices specified in his bid; where-on the certified checks of all the other bidders all be returned to them, respectively. But if ch lowest bidder neglects, fails, or refuses, for teen days after the first posting and publica-n of the award, to enter into the contract, then e city council, without further proceedings, shall ain advertise for proposals or bids, as in the st instance, and shall award the contract for ld work to the then lowest bidder. If the con-ictor who shall have taken any contract shall t complete the planting within the time limited the contract, or within such further time as the uncil may give him, the superintendent of reets shall report such delinquency to the coun-, which may relet the unfinished portion of the inting and the future care of the trees, after rsuing the formalities hereinbefore prescribed r the letting of the whole in the first instance.

Sec. 6. All contractors shall, at the time of exe-ting any contract for the planting and care of ees, execute a bond to the satisfaction of the ayor or president of the city council, with two more sureties, and payable to the city in such ms as the mayor or president of the council all deem adequate, conditioned for the faithful rformance of the contract, and the sureties shall stify before the recorder or a justice of the ace, in double the amount mentioned in such nd, over and above all statutory exemption. fore being entitled to any contract, the bidder whom the award shall have been made must y into the city treasury the cost of the publica-n of notices, resolutions, and orders, and all ner incidental expenses required under the pro-edings prescribed by this act.

Sec. 7. All work done under the provisions of is statute shall be executed under the direc-n of the superintendent of streets, whose duty shall be, under the general control of the coun-, to see that all the obligations assumed by con-

tractors towards the city are fr
with, and that all trees furnis
healthy, free from infection by i
kind, size, and age called for by
shall certify to the completion o
tion of work, which, by the term
shall entitle the contractor to pa
in part, and the presentation of
the contractor shall be a condi
each payment that shall becon
contract.

Sec. 8. All sums due to cont
provisions of this act shall be p
ments, as follows, to wit: Not m
the entire consideration in the
payable on the completion of
out of this amount the superin
shall see that the trees are paid
furnishing the same; one half t
end of eighteen months after the
planting; provided, all condition
complied with; the remaining o
at the end of three years after
the planting; provided, all con
been complied with.

Sec. 9. Immediately upon the
contract for the planting and c
under the provisions of this ac
duty of the city assessor to ma
to cover the sum to become due
cified in such contract (includin
penses) upon the lots and lan
street, lane, alley, court, or pla
contract relates, each lot or por
separately assessed, in proporti
age, at a rate per foot front
the total expenses of the work.
shall briefly refer to the contra
tracted for, and shall show the
therefor, together with any in
the rate per foot front assesse
each assessment, the name of t
lot, if known to the assessor
word "Unknown" shall be wr
number or description of the lot
assessed thereon); and the asses
said assessment a diagram, exh
lane, alley, place, or court on

tracted to be done, and showing the relative lo-
ion and frontage of such lot, numbered to cor-
pond with the numbers in the assessment. To
d assessment shall be attached a warrant,
ich shall be signed by the superintendent of
eets, and countersigned by the mayor or presi-
t of the council. The said assessments and
rrants shall be separately issued for each pay-
nt that shall be due the contractor, as specified
section eight of this act, and shall be substan-
lly in the following form:—

y virtue hereof, I (name of the superintendent
streets), of the city of ——, county of ——, and
te of California, by virtue of the authority
ted in me as said superintendent of streets, do
horize and empower (name of contractor), his
nts or assigns, to demand and receive the sev-
l assessments upon the assessment and dia-
m hereto attached, and this shall be his war-
t for the same.

Date ——, ——. (Name of superintendent of
eets.)

countersigned by (name of mayor or president
council).

Recorded (date ——, ——). (Name of superintend-
of streets.)

aid warrant, assessment, and diagram shall b
orded in the office of the superintendent of
eets. When so recorded, the several amounts
essed shall be a lien upon the lands, lots, or
tions of lots, assessed, respectively, for the
iod of two years from the date of said record-
, unless sooner discharged. From and after
date of said record, all persons interested in
manner in any or all of the lots assessed shall
deemed to have notice of the contents of said
ord.

ec. 10. After said warrant, assessment, and
gram shall have been recorded, the same shall
delivered to the contractor, his agents or as-
ns, on demand, who shall thereby be authorized
demand and receive the amounts of the several
essments. In default whereof, and as regards
forced collections, interest, cost, and penalties,
l the correction of errors, the same proceed-
s are to be had as are specified in sections
e, ten, eleven, twelve, sixteen, and seventeen
an act entitled "An act to provide for work

upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, amended March fourteenth, eighteen hundred and eighty-nine.

Sec. 11. The city council of every municipality in this state has jurisdiction of the hedges and fences placed by property owners along street lines, and may, by ordinance, prohibit the planting of thorn-bearing hedges and the use of barbed wire along street lines, and may regulate the height, width, and the mode of trimming hedges, and enforce ordinances enacted for such purposes against absentees, or other negligent or recusant owners or occupants of lots or lands on which hedges are maintained. They may also condemn as public nuisances, any or all weeds whose seeds are of a winged or downy nature, and are spread by the winds, and may compel the eradication of such weeds by the owners of the lots whereon they grow, or at their expense.

Sec. 12. The city council or trustees of every municipality shall provide for the replacement of missing trees, and for the trimming and care of all trees that have or shall have been planted for three or more years in the streets and highways, whether such planting shall have been done under this act or otherwise; the expense whereof must be defrayed out of the street fund, and the work be done by the superintendent of streets of such municipality.

Sec. 13. This act shall only apply to such municipalities as shall by vote of the electors residing therein determine to come within its provisions.

Sec. 14. This act shall take effect from and after its passage.

n act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose. [Repealed as to cities over 40,000, post.]

[Approved March 6, 1889; 1889, 70.]

aying out, opening, closing, etc., streets, lanes, alleys, etc.

Section 1. Whenever the public interest or convenience may require the city council of any municipality shall have full power and authority to der the opening, extending, widening, straightning, or closing up in whole or in part of any reet, square, lane, alley, court, or place within e bounds of such city, and to condemn and acuire any and all land and property necessary or nvenient for that purpose.

esolution of council declaring intention to perform street work.

Sec. 2. Before ordering any work to be done or nprovement made which is authorized by secon one of this act, the city council shall pass a solution declaring its intention to do so, describg the work or improvement, and the land deem necessary to be taken therefor, and specifying e exterior boundaries of the district of lands to affected or benefited by said work or improvent, and to be assessed to pay the damages, st, and expenses thereof.

reet superintendent to post notice.

Sec. 3. The street superintendent shall then use to be conspicuously posted along the line of id contemplated work or improvement, at not ore than three hundred feet in distance apart, it not less than three in all, notices of the passe of said resolution. Said notice shall be head "notice of public work," in letters not less than e inch in length, shall be in legible characters, ate the fact of passage of the resolution, its date, id, briefly, the work or improvement proposed, id refer to the resolution for further particulars. e shall also cause a notice, similar in substance,

to be published for a period of ten days in one or more daily newspapers published and circulated in said city, and designated by said city council; or if there is no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper, so published, circulated, and designated.

Interested persons may file objections.

Sec. 4. Any person interested objecting to said work or improvement, or to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and at the next meeting of the city council after the expiration of said ten days lay said objections before said city council, which shall fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the post office of said city, postage prepaid, addressed to such objector.

Decision of council to be final.

Sec. 5. At the time specified or to which the hearing may be adjourned, the said city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If such objections are sustained, all proceedings shall be stopped; but proceedings may be again commenced at any time by giving notice of intention to do said work or make said improvement. If such objection is overruled by the city council, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed during which objections to said work or improvement may be made, if no objections shall have been made, or if an objection shall have been made, and said council, after hearing, shall have overruled the same, the city council shall be deemed to have acquired jurisdiction to order any of the work to be

ne, or improvements to be made, which is au-
orized by section one of this act.

risdiction.

ec. 6. Having acquired jurisdiction as pro-
ded in the preceding section, the city council
ll order said work to be done, and unless the
pposed work is for closing up, and it appears
t no assessment is necessary, shall appoint
ree commissioners to assess benefits and dam-
s, and have general supervision of the pro-
ed work or improvement until the completion
reof in compliance with this statute. For their
vices, they shall receive such compensation as
city council may determine from time to time;
ovided, that such compensation shall not ex-
d two hundred dollars per month each, nor con-
ue more than six months, unless extended by
ler of the city council. Such compensation shall
added to and be chargeable as a part of the ex-
nses of the work or improvement. Each of
d commissioners shall file with the clerk of the
y council an affidavit, and a bond to the state
California in the sum of five thousand dollars,
faithfully perform the duties of his office. The
y council may at any time remove any or all of
d commissioners for cause, upon reasonable
ice and hearing, and may fill any vacancies oc-
ring among them for any cause.

mmissioners to employ assistance.

ec. 7. Said commissioners shall have power to
ploy such assistance, legal or otherwise, as
y may deem necessary and proper; also to rent
office, and provide such maps, diagrams, plans,
oks, stationery, fuel, lights, postage, express-
e and incur such incidental expenses as they
y deem necessary.

penses to be a charge upon the particular work
required.

ec. 8. All such charges and expenses shall be
med as expenses of said work or improvement,
l be a charge only upon the funds devoted to
particular work or improvement as provided
einafter. All payments, as well for the land
l improvements taken or damaged, as for the
arges and expenses, shall be paid by the city
asurer, upon warrants drawn upon said fund

from time to time, signed by said commissioners, or a majority of them. All such warrants shall state whether they are issued for land or improvements taken or damaged, or for charges and expenses, and that the demand is payable only out of the money in said fund, and in no event shall the city be liable for the failure to collect any assessment made by virtue hereof, nor shall said warrant be payable out of any other fund, nor a claim against the city.

Viewing of land—Examination of witnesses.

Sec. 9. Said commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by section two hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so far as the said commissioners can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be.

Report to council accompanied with a plat of the assessment district.

Sec. 10. Said commissioners having made their assessment of benefits and damage, shall, with all diligence, make a written report thereof to the city council, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot, or portion of lot, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, taken or as-

essed, shall be designated and described in said at by an appropriate number, and a reference to by such descriptive number shall be a sufficient escription of it in any suit entered to condemn, id in all respects. When the report and plat are pproved by the city council, a copy of said plat, ppropriately designated, shall be filed by the erk thereof in the office of the recorder of the unty.

eport, what must specify.

Sec. 11. Said report shall specify each lot, subvision, or piece of property taken or injured by e widening or other improvement, or assessed erefor, together with the name of the owner or aimants thereof, or of persons interested therein lessees, encumbrancers, or otherwise, so far as e same are known to such commissioners, and e particulars of their interest, so far as the me can be ascertained, and the amount of value damage, or the amount assessed, as the case ay be.

hen set down to unknown owners.

Sec. 12. If in any case the commissioners find at conflicting claims of title exist, or shall be in norance or doubt as to the ownership of any lot land, or of any improvements thereon, or of y interest therein, it shall be set down as beging to unknown owners. Error in the designtion of the owner or owners of any land or provements, or of the particulars of their inter, shall not affect the validity of the assessment of the condemnation of the property to be taken.

ling of report and plat, and publication of.

Sec. 13. Said report and plat shall be filed in e clerk's office of the city council, and thereupon e clerk of said city council shall give notice of ch filing by publication for at least ten days in e or more daily newspapers published and cirlated in said city; or if there be no daily paper, three successive insertions in a weekly or mi-weekly newspaper so published and circuted. Said notice shall also require all persons terested to show cause, if any, why such report ould not be confirmed, before the city council.

on or before a day fixed by the clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

Objections must be in writing.

Sec. 14. All objections shall be in writing, and filed with the clerk of the city council, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the city council, which shall fix a time for hearing the same, of which the clerk shall notify the objectors in the same manner as objectors to the original resolution of intention; at the time set, or at such other time as the hearing may be adjourned to, the city council shall hear such objections and pass upon the same; and at such time, or, if there be no objections, at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had, as in the case of an original report.

Duty of clerk of council.

Sec. 15. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the street superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Duty of superintendent of streets on receiving certified copy of report as confirmed by council.

Sec. 16. The superintendent of streets shall thereupon give notice by publication for ten days in one or more daily newspapers published and circulated in such city or city and county, or by two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that

e payment of said sums is to be made to him thin thirty days from the date of the first publi- tion of said notice. Said notice shall also con- n a statement that all assessments not paid fore the expiration of said thirty days will be clared to be delinquent, and that thereafter the n of five per cent upon the amount of each de- quent assessment, together with the cost of ad- rtising each delinquent assessment, will be add- thereto. When payment of any assessment is de to said superintendent of streets, he shall ite the word "paid," and the date of payment, posite the respective assessment so paid, and e names of persons by or for whom said assess- nt is paid, and shall, if so required, give a re- pt therefor. On the expiration of said thirty ys, all assessments then unpaid shall be and be- ne delinquent, and said superintendent of eets shall certify such fact at the foot of said sessment roll, and shall add five per cent to the ount of each assessment so delinquent. The d superintendent of streets shall, within five ys from the date of said delinquency, proceed advertise and collect the various sums delin- nt, and the whole thereof, including the cost advertising, which last shall not exceed the n of fifty cents for each lot, piece, or parcel of d separately assessed, by the sale of the assess- property in the same manner as is or may be vided for the collection of state and county es; and after the date of said delinquency, and fore the time of such sale herein provided for, assessment shall be received unless at the same e the five per cent added thereto, as aforesaid, ether with the costs of advertising then al- dy incurred, shall be paid therewith. Said list delinquent assessments shall be published ly for five days in one or more daily newspa- s published and circulated in such city, or by least one insertion in a weekly newspaper so blished and circulated, before the day of sale of h delinquent assessment. Said time of sale st not be less than seven days from the date the first publication of said delinquent assess- nt list, and the place must be in or in front of office of said superintendent of streets. All perty sold shall be subject to redemption in the

same time and manner as in sales for delinquent state and county taxes; and the superintendent of streets may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law, in reference to the sale and redemption of property for delinquent state and county taxes in force at any given time, shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the street superintendent made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The superintendent of streets shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating such funds by the name of the street, square, lane, alley, court, or place for the widening, opening, or other improvement of which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners, or a majority of them.

Payments for land and improvements, when and how made.

Sec. 17. When sufficient money is in the hands of the city treasurer, in the fund devoted to the proposed work or improvement, to pay for the land and improvements taken or damaged, and when in the discretion of the commissioners, or a majority of them, the time shall have come to make payments, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of any land or improvements thereon to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of such commissioners upon tendering a con-

eyance of any property to be taken; such notifi-
ation, except in the case of unknown owners, to
e made by depositing a notice, postage paid, in
e postoffice, addressed to his last known place
abode or residence. If at the expiration of
irty days after the deposit of such notice, he
ould not have applied for such warrant, and
ndered a conveyance of the land to be taken, the
arrant so drawn shall be deposited with the
unty treasurer, and shall be delivered to such
wner, possessor, or occupant, upon tendering a
nveyance as aforesaid, unless judgment of con-
emnation shall be had, when the same shall be
nceled.

roceedings to condemn on refusal to accept pay-
ment.

Sec. 18. If any owner of land to be taken neg-
cts or refuses to accept the warrant drawn in his
vor, as aforesaid, or objects to the report as to
e necessity of taking his land, the commission-
s, with the approval of the city council, may
use proceedings to be taken for the condemna-
on thereof, as provided by law under the right
eminent domain. The complaint may aver that
is necessary for the city to take or damage and
ndemn the said lands, or an easement therein,
the case may be, without setting forth the pro-
edings herein provided for, and the resolution
d ordinance ordering said work to be done shall
conclusive evidence of such necessity. Such
oceeding shall be brought in the name of the
unicipality, and have precedence so far as the
siness of the court will permit; and any judg-
ent for damages therein rendered shall be paya-
e out of such portion of the special fund as may
main in the treasury, so far as the same can be
plied. At any time after trial and judgment en-
ed, or preceding an appeal, the court may order
e city treasurer to set apart in the city treas-
y a sufficient sum from the fund appropriated
the particular improvement to answer the judg-
ent and all damages, and thereupon may author-
and order the municipality to enter upon the
d and proceed with the proposed work and im-
ovement. In case of a deficiency in said fund
pay the whole of such judgment and damages,

the city council may, in their discretion, order the balance thereof to be paid out of the general fund of the treasury or to be distributed by the commissioners over the property assessed by a supplementary assessment; but in the last-named case, in order to avoid delay, the city council may advance such balance out of any appropriate fund in the treasury, and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages, the court may order such stay of proceedings as may be necessary.

Duty of treasurer on payment of warrants.

Sec. 19. The treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation; provided, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Supplementary assessments, when may be ordered.

Sec. 20. If after the sale of the property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appear desirable, the commissioners may so report to the city council, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the city council may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said city.

Proceedings to settle defective title.

Sec. 21. If any title attempted to be acquired by virtue of this act shall be found to be defective

om any cause, the city council may again insti-
ite proceedings to acquire the cause as in this
ct provided, or otherwise, or may authorize the
ommissioners to purchase the same and include
ie cost thereof in a supplementary assessment as
rovided in the last section.

roceedings when boundaries of districts of lands affect the whole city.

Sec. 22. If the city council deem it proper that ie boundaries of the districts of lands to be af-ected and assessed to pay the damages, cost, and xpenses of any work or improvement under this ct, shall include the whole city, then the commis-ioners appointed shall proceed in a summary anner to purchase the lands to be taken or con-emned from the owners and claimants thereof. ' said commissioners and the owners and claim-nts cannot agree upon the price to be paid for id lands, they shall proceed to view and value ie same, and shall thereupon make a summary eport to the city council. Upon final confirmation the report, the city council, if there be not suf-ient money available in the city treasury, shall ause the cost and expenses of the contemplated iblic improvement to be assessed upon the hole of the taxable property of said city, and to e included in and form part of the next general sessment roll of said city, and with like effect all respects as if the same formed a part of e city, state, and county taxes; and when the me shall have been collected the said city coun-shall cause the land required to be paid for the value thereof tendered, and the said contem-ated public improvement to be forthwith made d completed. All the provisions of the preced-g sections not in conflict with this section shall applicable thereto.

se of words "work" and "improvement."

Sec. 23. 1. The words "work" and "improve-ent," as used in this act, shall include all work entioned in section one of this act.

otices to be posted when publication cannot be had.

2. In case there is no daily or weekly or semi-eekly newspapers printed and circulated in the y, then such notices as are herein required to be

published in a newspaper shall be posted and kept posted for the length of time required herein for the publication of the same in a weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher or clerk of the newspaper or of the poster of the notice.

Construction of words "municipality" and "city."

3. The word "municipality" and the word "city" shall be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purposes.

Construction of terms "street superintendent" and "superintendent of streets."

4. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all the provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such persons so appointed.

Construction of term "city council."

5. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Construction of terms "clerk" and "city clerk."

6. The term "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of said city council.

Construction of terms "treasurer" and "city treasurer."

7. The term "treasurer" or "city treasurer," as used in this act, shall include any person or officer

ho shall have charge and make payment of the
ty funds.
8. No publications or notice other than that pro-
ded for in this act shall be necessary to give
lidity to any proceedings had thereunder.
roceedings commenced before passage of this act
to be continued by resolution of council.
Sec. 24. The proceedings and any work or im-
ovement, such as is provided for in this act,
ready commenced, and now progressing under
y other act now in force, or by virtue of any
dinance passed by any city council or board of
pervisors of any city, county, or city and
unty, by virtue of any other act now in force,
ay, from any stage of such proceedings already
mmenced and now progressing, be continued
der this act by resolution of the city council.
ie said work or improvement may then be con-
icted under the provisions of this act with full
rce and effect in all respects, from the stage of
ch proceedings under such other acts or ordi-
nces at and from which such resolution shall
clare an election or intention to have said work
improvement cease under such other act or or-
nance, and continue under this act; and from
ch election so made, all proceedings theretofore
d under such other act or ordinance are hereby
tified, confirmed, and made valid, and it shall be
necessary to renew or conduct over again pro-
edings had under such other act or ordinance.
is section shall not apply to any work or im-
ovement, proceedings in which were commenced
ore than eighteen months prior to the passage of
s act.
t to be liberally construed.
Sec. 25. The provisions of this act shall be
erally construed to promote the objects thereof.
is act shall take effect and be in force from and
ter its passage.

An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.

[Approved March 18, 1885; Stats. 1885, p 147.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Part I.

Section 1. All streets, lanes, alleys, places, or courts, in the municipalities of this state now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, or courts, for the purposes of this act, and the city council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this act, under the proceedings hereinafter described.

Sec. 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or re-graded to the official grade, planked or re-planked, paved or re-paved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, sewered or re-sewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing, and cross-walks to be constructed therein, or to order breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places

ıd it may order any of the said work to be im-
oved; and also to order a sewer or sewers, with
ıtlets, for drainage or sanitary purposes, in,
er, or through any right of way granted or ob-
ined for such purpose; provided, that whenever
e grade of a street, avenue, lane, alley, court,
place shall hereafter be changed, the petition
the owners of a majority of the feet fronting
ereon, asking for grading the same to the new
ade, shall be a condition precedent to the order-
g of such grading to be done. [Amendment ap-
oved March 11, 1893; Stats. 1893, p. 172.]
Sec. 3. Before ordering any work done or im-
ovement made, which is authorized by section
o of this act, the city council shall pass a reso-
ion of intention so to do, and describing the
ork, which shall be posted conspicuously for
o days on or near the chamber door of said
ancil, and published by two insertions in one or
ore daily, semi-weekly, or weekly newspapers
blished and circulated in said city, and desig-
ted by said council for that purpose. The street
perintendent shall thereupon cause to be con-
icuously posted along the line of said contem-
ted work or improvement, at not more than one
ndred feet in distance apart, but not less than
ree in all, or when the work to be done is only
on an entire crossing or any part thereof, in
nt of each quarter block and irregular block
ble to be assessed, notices of the passage of
d resolution. Said notice shall be headed "No-
e of Street Work," in letters of not less than
e inch in length, and shall, in legible characters,
te the fact of the passage of the resolution, its
e, and briefly the work or improvement pro-
ed, and refer to the resolution for further par-
ılars. He shall also cause a notice, similar in
stance, to be published for six days in one or
re daily newspapers published and circulated
said city, and designated by said city council,
n cities where there is no daily newspaper, by
insertion in a semi-weekly or weekly news-
er so published, circulated and designated. In

case there is no such paper published in said city, said notice shall be posted for six days on or near the chamber door of said council, and in two other conspicuous places in said city, as hereinafter provided. The owners of a majority of the frontage of the property fronting on said proposed way or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and such objections so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvements, unless the owners of the one-half or more of the frontage, as aforesaid, shall meanwhile petition for the same to be done. At any time before the issuance of the assessment roll, all owners of lots or lands liable to assessment therein, who, after the first publication of said resolution of intention, may feel aggrieved, or who may have objections to any of the subsequent proceedings of said council in relation to the performance of the work mentioned in said notice of intention, shall file with the clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said city council, and its decision therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, or cesspools, crosswalks, or sidewalks, and curbs, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work, as aforesaid, the said city council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such

ojections, by depositing a notice thereof in the ostoffice of said city, postage prepaid, addressed each objector, or his agent, when he appears r such objector. At the time specified said city ouncil shall hear the objections urged, and pass on the same, and its decisions shall be final and nclusive, and the said bar for six months to any rther proceedings shall not be applicable there- . And when not more than two blocks, includ- g street crossings, remain ungraded to the offi- al grade, or otherwise unimproved, in whole or part and a block or more on each side upon said reet has been so graded or otherwise improved, when not more than two blocks at the end of street remain so ungraded or otherwise unim- roved, said city council may order any of the ork mentioned in this act to be done upon said tervening ungraded or unimproved part of said reet, or at the end of a street, and said work on said intervening part, or at the end of a reet, shall not be stayed or prevented by any ritten or other objection unless such council all deem proper. And if one half or more in idth or in length, or as to grading, one half or ore of the grading work of any street lying and ing between two successive main street cross- gs, or if a crossing has been already partially aded or improved as aforesaid, said council may der the remainder improved, graded or other- se, notwithstanding such objections of property wners. At the expiration of twenty days after e expiration of the time of said publication by id street superintendent, and at the expiration twenty-five days after the advertising and post- , as aforesaid, of any resolution of intention, no written objection to the work therein de- ibed has been delivered, as aforesaid, by the wners of a major frontage of the property front- on said proposed work or improvement, or if written objection purporting to be signed by owners of a major frontage is disallowed by d council, as not of itself barring said work six months, because in its judgment, said ob-

jection has not been legally signed by the owners of a majority of said frontage, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this act; which order, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties, in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The city clerk shall lay said objections before the city council, which shall, at its next meeting, fix a time for hearing said objec-

ions not less than one week thereafter. The ity clerk shall thereupon notify the persons mak- ng such objections by depositing a notice there- f in the post-office of said city, postage prepaid, ddressed to each objector. At the time speci- led the city council shall hear the objections rged, and pass upon the same, and its decision hall be final and conclusive. If the objections re sustained, all proceedings shall be stopped; ut proceedings may be immediately again com- enced by giving the notice of intention to do he said work or make said improvements. If he objections are overruled by the city council, he proceedings shall continue the same as if such bjections had not been made. [Amendment ap- roved March 31, 1891, Stats. 1891, p. 196.]

Sec. 4. The owners of a majority in frontage f lots and lands fronting on any street, avenue, ane, alley, place, or court, or of lots or lands lia- le to be assessed for the expense of the work etitioned to be done, or their duly authorized gents, may petition the city council to order any f the work mentioned in this act to be done, nd the city council may order the work men- ioned in said petition to be done, after notice of ts intention so to do has been posted and pub- shed as provided in section three of this act. Amendment approved March 31, 1891; Stats. 891, p. 196.]

Sec. 5. Before the awarding of any contract by he city council for doing any work authorized y this act, the city council shall cause notice, with specifications, to be posted conspicuously for ive days on or near the council chamber door of aid council, inviting sealed proposals or bids for oing the work ordered, and shall also cause no- ice of said work inviting said proposal, and refer- ing to the specifications posted or on file, to be ublished for two days in a daily, semi-weekly, or eekly newspaper published and circulated in aid city, designated by the council for that pur- ose, and in case there is no newspaper published n said city, then it shall only be posted as here-

inbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall, in open session, examine and publicly declare the same; provided, however, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be approved by the mayor or a three-fourths vote of the city council. If not approved by him, or a three-fourths vote of the city council, without further proceedings, the city council may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects

or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into its fund for repairs of streets, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contracts shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published for two days in a daily newspaper published and circulated in said city and designated by said city council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated; provided, however, that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided. The owners of three-fourths of the frontage of lots and lands upon the streets whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the first posting and publishing of said award, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails or refuses, for fifteen days after the first posting and publication of the notice of award, to enter into

the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for the said work to the then lowest regular bidder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If the owner or contractor, who may have taken any contract, do not complete the same within the time limited in the contract, or within such further time as the city council may give them, the superintendent of streets shall report such delinquency to the city council which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties and payable to such city, in such sums as the mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this act, and such other notices as may be deemed requisite by the city council. And in case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury. [Amendment approved March 31, 1891; Stats. 1891, p. 196.]

Sec. 6. The superintendent of streets is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the city council. The work provided for in section two of this act must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets, and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, and all contracts made therefor must contain a provision to that effect, and also express notice that, in no case, except where it is otherwise provided in this act, will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets in the mode herein provided.

Sec. 6½. Every contractor, person, company, or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least

two sureties, who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work of improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any materialman, person, company, or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company, or corporation, to whom the said contract was awarded, may, within thirty days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company, or corporation, filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof. [New section approved February 21, 1899; Stats. 1899, ch. xxii.]

Sec. 7. Subdivision One—The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as hereinafter

specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Subdivision Two—The expense of all improvements, except such as are done by contractors under the provisions of section thirteen of this act, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty of this act, shall be assessed upon the lots and lands, as provided in this section, according to the nature and character of the work; and after such acceptance the expense of all the work thereafter done thereon shall be paid by said city out of the street department fund.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision Four—Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said

alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court terminates in another street, avenue, lane, alley, place, or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or to the end of such street, avenue, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight—Where any work mentioned in this act (manholes, cesspools, culverts, crosswalks, piling, and capping excepted) is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expenses of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. And when sewering or resewering is ordered to be done under the sidewalk on only one side of a street for any length thereof, the assessment for its expenses shall be made only upon the lots and lands fronting nearest upon that side, and for in-

tervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Subdivision Nine—Section one of chapter three hundred and twenty-five of the laws of this state, entitled "An Act amendatory of and supplementary to 'An act to provide revenue for the support of the government of this State,' approved April twenty-ninth, eighteen hundred and fifty-seven," approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section; but the property herein mentioned shall be subject to the provisions of this act, and be assessed for work done under the provisions of this section.

Subdivision Ten—It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners, and his or their successors in interest, shall be entitled to credit, on the assess-

ment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yard of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; provided, however, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; provided, however, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do, any work (except grading) on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision eleven of this section of this act; provided, that the work so done at the ex-

pense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Subdivision Eleven—The city council may include in one resolution of intention and order any of the different kinds of work mentioned in this act, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; provided, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision ten of this section.

Subdivision Twelve—Whenever the resolution of intention declares that the costs and expenses of the work and improvement are to be assessed upon a district, the city council shall direct the city engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council, on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such

lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions three, four, five, six, seven, and eight of this section shall not be applicable to the work or improvement provided for in this subdivision. [Amendment approved March 31, 1891: Stats. 1891, p. 196.]

Sec. 8. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or city council on appeal, the street superintendent shall make an assessment to cover the sum due for the work performed and specified in said contract (including any incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done; or, if any direction and decision be given by said council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot, or portion of a lot (if known to the street superintendent); if unknown the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or

court, on which any work has been done, and showing the relative location of each district, lot, or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting, or number of lots assessed, for said work contracted for and performed. [Amendment approved March 14, 1889; Stats. 1889, p. 157.]

Sec. 9. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

Form of the Warrant.

By virtue hereof, I (name of the superintendent of streets), of the city of ——, county of —— (or city and county of ——), and State of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

—— (name of Superintendent of Streets.)

Countersigned by (name of Mayor.)

Said warrant, assessment, and diagram, together with the certificate of the city engineer, shall be recorded in the office of said superintendent of streets. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram and certificate, all persons mentioned in section eleven of this act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the

contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Whenever it shall appear by any final judgment of any court of this state that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this act has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or in the return thereof made to or recorded by said superintendent of streets, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said superintendent of streets who issued the same, or to any superintendent of streets in office at the time of said application, for another assessment to be issued in conformity to law; and said superintendent shall, within fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years fromthe date of said assessment, and be enforced as provided in section seven of this act. [Amendment approved March 31, 1891; Stats. 1891, p. 196.]

Sec. 10. The contractor, or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon

the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the superintendent of streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; provided, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; provided, however, that in case any warrant is

lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

Sec. 11. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work provided for in this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, shall, within thirty days after the date of the warrant, appeal to the city council, as provided in this section, by briefly stating their objections in writing, and filing the same with the clerk of said city council. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets relative to said work; may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the superintendent of streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said city council in relation thereto, at

their option. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the city council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the city council to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

Sec. 12. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided, or if an appeal is taken to the city council, as provided in section eleven of this act, at any time after five days from the decision of said council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in said section eleven (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been

brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners thereof cannot, with due diligence, be found, the service in each of such actions may be had in such manner as is prescribed in the codes and laws of this state. The said warrant, assessment, certificate, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said courts; and on appeal, the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this act, and also, when not in conflict herewith, by the codes of this state. This act shall be liberally construed to effect the ends of justice. [Amendment approved, March 14, 1889; Stats. 1889, p. 168.]

Sec. 12½. The city council, instead of waiting until the completion of the improvement, may, in its discretion, and not otherwise, upon the completion of two blocks or more of any improvement, order the street superintendent to make an assessment for the proportionate amount of the contract completed, and thereupon proceedings and rights of collection of such proportionate amount shall be had as in sections eight, nine, ten, eleven, and twelve of the act of which this is amendatory is provided. [New section added March 14, 1889; Stats. 1889, p. 169, and approved March 14, 1889; Stats. 1889, p. 169.]

Sec. 13. When any portion of any street, avenue, lane, alley, court, or place in said city improved, or any sidewalk constructed thereon shall be out of repair, or needing reconstruction, and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said superintendent of streets to require, by notice in writing, to be delivered to them or their agents personally, or left on the premises the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, or of said portion of said sidewalk so out of repair or needing reconstruction as aforesaid, to repair or reconstruct, or to do both, forthwith, said portion of said street, avenue, lane, alley, court, or place, to the center line of said street in front of the property of which he is the owner, or tenant, or occupant, and said superintendent of streets shall particularly specify in said notice what work is required to be done, and how the same is to be done, and what material shall be used in said repairs, or reconstructions, or both. If said repairs, or reconstructions, or both, be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said superintendent of streets may, under authority from said city council, make such

repairs, reconstruction, or both, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specification for the doing of said work shall have been conspicuously posted by him in his office for two days, inviting bids for the doing of said work, which bids shall be delivered to him at his office on or before the second day of said posting, and opened by him on the next day following the expiration of said two days of posting, and the contract by him be awarded to the lowest bidder, if such lowest bid, in the judgment of said street superintendent, shall be reasonable. All of said bids shall be preserved in his office and open at all times after the letting of the contract to the inspection of all persons, and such owner, tenant, or occupant shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of said street superintendent. Upon the completion of said repairs, or reconstruction, or both, by said contractors as aforesaid, to the satisfaction of said superintendent of streets, said superintendent of streets shall make and deliver to said contractor a certificate to the effect that said repairs, or reconstruction, or both, have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that he, said superintendent, has accepted the same. [Amendment approved March 14, 1889; Stats. 1889, p. 157.]

Sec. 14. If the expenses of the work and material for such improvement, after the completion thereof, and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for

said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said superintendent of streets in a book kept by him in his office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien, the same as provided in section nine of this act, and may be enforced in the same manner.

Sec. 15. In addition, and as cumulative to the remedies above given, the city council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing to make repairs when required, as provided in section (13) thirteen of this act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the people of the state of California, in the court having jurisdiction thereof, and may be applied, if deemed expedient by the said council, in the payment of the expenses of any such repairs not otherwise provided for.

Sec. 16. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Sec. 17. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee under the provisions of this act, or he may pay the price agreed on to be paid under the provision

of section thirteen of this act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sums so paid beyond the rents due from him, he shall have a lien upon and may retain possession of the said land and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

Sec. 18. The records kept by the superintendent of streets of said city, in conformity with the provisions of this act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Sec. 19. Notices in writing which are required to be given by the superintendent of streets, under the provisions of this act, may be served by any person, with the permission of the superintendent of streets, and the fact of such service shall be verified by the oath of the person making it, taken before the superintendent of streets (who, for that purpose, and for all other purposes, and in all cases where a verification is required under the provisions of this act, is hereby authorized to administer oaths), or other person authorized to administer oaths, or such notices may be delivered to the superintendent of streets himself, who must also verify the service thereof, and who shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person. [Amendment approved March 14, 1889; Stats. 1889, p. 157.]

Sec. 20. Whenever any street, or portion of a

street, has been or shall hereafter be fully constructed to the satisfaction of the superintendent of streets and of the city council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the city council shall adopt, the same shall be accepted by the city council, by ordinance, and thereafter shall be kept in repair and improved by the said municipality; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said council for that purpose; provided, that the city council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing), and one block in length, or one entire crossing; and, provided further, that the city council may partially or conditionally accept any street, or portion of a street, without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the council deems such sewer, or gas pipes, or water pipes, to be then unnecessary, but the lots of land previously, or at any time, assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The superintendent of streets shall keep in his office a register of all streets accepted by the city council under this section, which register shall be indexed for easy reference thereto.

Sec. 21. The superintendent of streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this act. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the street or sewer fund of said city.

Sec. 22. It shall be the duty of the superintendent of streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the city council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the city council; and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

Sec. 23. If, in consequence of any graded street or public highway improved under the provisions of this act, being out of repair and in condition to endanger persons or property passing thereon, any person, while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person or property, through any such defect therein, no recourse for damages thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after notice thereof to the said superintendent of streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; provided, that said superintendent has the authority to make said repairs, under the

direction of the city council, at the expense of the city.

Sec. 24. The city council of such city shall have full power and authority to construct sewers, gutters, and manholes, and provide for the cleaning of the same, and culverts or cesspools, or crosswalks or sidewalks, or any portion of any sidewalk, upon or in any street, avenue, lane, alley, court, or place in such city; and also for drainage purposes, over or through any right of way obtained or granted for such purposes, with necessary and proper outlet or outlets to the same, of such materials, in such a manner, and upon such terms as it may be deemed proper. None of the work or improvements described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such council deems proper. [Amendment approved March 11, 1893; Stats. 1893, p. 172.]

Sec. 25. The City Council may, in its discretion, repair and water streets that shall have been graded, curbed, and planked, paved, or macadamized, and may build, repair, and clean sewers, and shall provide a Street Contingent Fund at the same time and in the same manner as other funds are provided, out of which to pay the costs and expenses of making said repairs, and watering said streets, and building, repairing, and cleaning said sewers; but whenever any unaccepted street or part of a street requires regrading, recurbing, repiling, repaving, replanking, regraveling, or remacadamizing, or requires new culverts, or new crosswalks, or new sidewalks, or new sewers, the work shall be advertised and let out by contract, and the costs and expenses thereof shall be assessed upon the property affected or benefited thereby, the same as in the first instance.

Sec. 26. The city council may, in its discretion, order, by resolution, that the whole or any part of the cost and expenses of any of the work men-

tioned in this act to be paid out of the treasury of the municipality from such fund as the council may designate. Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided. [Amendment approved March 31, 1891; Stats. 1891, p. 196.]

Part II.

Sec. 27. Whenever the city council deem it necessary to construct a sewer, then the said council may, in its discretion, determine to construct said sewer, and assess the cost and expenses thereof upon the property to be affected or benefited thereby, in such manner and within such assessment district as it shall prescribe, and the lien therefor upon said property shall be the same as is provided in section nine of this act, or said council may determine to construct said sewer and pay therefor out of the street contingent fund.

Sec. 28. If, at any time, the city council shall deem it necessary to incur any indebtedness for the construction of sewers, in excess of the money in the street contingent fund applicable to the construction of such sewers, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the route and general character of

the sewer or sewers to be construed, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the City Council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation, within such city, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the City Council in each year thereafter, at the time when other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Sec. 29. If bonds are issued under the provisions of the last section, said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the mayor and treasurer. Said bonds shall bear interest, to be fixed by the city council, at the rate of not to exceed five per cent per annum.

Sec. 30. Before the sale of said bonds, the council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale, and shall cause such resolution to be entered in the minutes, and shall cause notice of such sale to be published for fifteen days in at least one newspaper published in the city in which the bonds are issued, and one published in the city and county of San Francisco, and in any other newspaper in the state, at their discretion. The notice shall state that sealed proposals will be received by the council for the purchase of the bonds on the day and hour named in the resolution. The council, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest bidder, but may reject all bids.

Sec. 31. The council may sell said bonds, at not less than par value, without the notice provided for in the preceding section.

Sec. 32. The proceeds of the sale of the bonds shall be deposited in the city treasury, to the account of the sewer fund, but no payment therefrom shall be made, except to pay for the construction of the sewer or sewers, for the construction of which the bonds were issued, and upon the certificate of the superintendent of streets and the city engineer that the work has been done according to the contract; provided, that after the completion of the sewers, for the construction of which said bonds were issued, if there be any money of said fund left in the treasury, the same may be transferred to the gendral fund, for general purposes. [Amendment approved March 15, 1887; Stats. 1887, p. 148.

Sec. 33. Whenever said council shall determine to construct any sewer, and pay therefor out of the street contingent fund, or by the issuance of bonds, as above provided, then said council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for

twenty days in at least one newspaper published in the city in which the sewer is to be constructed, and one in the city and county of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder, the council having the right to reject any and all bids. The work shall be done and the materials furnished under the supervision and to the satisfaction of the superintendent of streets and the city engineer.

Sec. 34. First—The city engineer, or where there is no city engineer, the county, or city and county surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In all those cities where there is no city engineer, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

Second—The words "work," "improve," "improved" and "improvement" as used in this act, shall include all work mentioned in this act, and also the construction, reconstruction and repairs of all or any portion of said work.

Third—The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising as provided in

this act, and not otherwise; also, the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in section thirty-five of this act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Fourth--The notices, resolutions, orders or other matter required to be published by the provisions of this act, and of the act of which this is amendatory, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; provided, however, that only in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matter as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein.

Fifth—The word "municipality" and the word "city," as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words "paved" or "repaved," as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the city council shall by ordinance adopt.

Seventh—The word "streets," as used in this act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, and the term "main street" means such actually opened street or streets as bound a block; the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

Eight—The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Ninth—The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Tenth—In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Eleventh—The term "clerk" and "city clerk" as used in this act, is hereby declared to include any person or officer who shall be clerk of the said city council.

Twelfth—The term "quarter block," as used in this act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

Thirteenth—The term "one year," as used in this act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

Fourteenth—References in certain sections, by number, to certain other sections of "this act" refer to the number of the sections of the original act, as heretofore amended, unless it appears from the context that the reference is to the section of this amendatory act, when it shall be construed according to the context. [Amendment approved March 31, 1891; Stats. 1891, p. 96.]

Sec. 35. The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this act, and of piling and capping, sidewalking, or of the paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be

incidental expenses, within the meaning of those words as defined by this act. [Amendment approved March 31, 1891; Stats. 1891, p. 196.]

Sec. 36. The act entitled "An act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities," approved March sixth, eighteen hundred and eighty-three, is hereby repealed; provided, that any work or proceedings commenced thereunder prior to the passage of this act shall in nowise be affected hereby, but shall in all respects be finished and completed under said act of March sixth, eighteen hundred and eighty-three, and said repeal shall in nowise affect said work or proceedings.

Sec. 37. That said act shall take effect and be in force immediately upon its passage, and all acts and parts of acts in conflict with this act are hereby repealed; and provided, however, that any work or proceeding of the city council commenced under the act of which this is amendatory shall in nowise be affected thereby, but shall in all respects be finished and completed thereunder. [Amendment Approved March 11, 1893; Stats. 1893, p. 172.]

Sec. 38. The city council is hereby empowered to change or modify the grade of any public street, lane, alley, place, or court, and to regrade or repave the same, so as to conform to such modified grade, in the manner as hereinafter provided. Before any change of grade is ordered the city council shall pass an ordinance or resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same ordinance or resolution to provide for the actual cost of performing the work of regrading, repaving, sewering, sidewalking, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewered, sidewalked, or curbed; and that the cost of the same shall also be assessed upon the same district which is

declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same ordinance or resolution. Such ordinance or resolution shall be published in the newspaper in which the official notices of the city council are usually printed and published; and such newspaper is to be designated in such ordinance or resolution. Such publication shall be made in every regular issue of such paper for not less than ten days, and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. Within five days after the first publication of the ordinance or resolution of intention, the superintendent of streets shall cause to be conspicuously posted within the district designated in the ordinance or resolution, notice of the passage of said resolution. Said notices shall be the same in all requirements of contents and posting as the "Notices of street work" provided for in section three of the original act to which this is amendatory. If no objection to said proposed change or changes, or modifications of grade, shall be filed with the clerk of the council within thirty days from the first publication of the ordinance or resolution of intention hereinbefore mentioned, the city council shall have power to declare such grades to be changed and established in conformity to said ordinance or resolution; provided, that no change of an established grade shall be ordered except on petition of the owners of a majority of the property affected by the proposed change of grade. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Sec. 39. Within thirty days after the first publication of said notice, any person owning property fronting upon said portions of the street or streets where such change of grade is made, may file a petition with the clerk of the city council

showing the fact of such ownership, the description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioners or their agents. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 40. Whenever such petition or petitions have been filed, the mayor, surveyor, and superintendent of streets of the city, or city and county, acting as a board of commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district, as said lot appears of record upon the last city, or city and county assessment roll. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 41. The commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 42. The commissioners shall have power to subpoena witnesses to appear before them to be examined under oath, which any one of said commissioners is authorized to administer. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 43. The commissioners having determined the damage which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges, and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvement; and during the progress of their work shall make a report to such city council as often as it may be required. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 44. The commissioners shall make their report, in writing, and shall subscribe to the same and file with the city council. In their said report they shall describe separately each piece of property which will sustain damage, stating the amount of damages each will sustain over and above all benefits. They shall also give a brief description of each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of damages assessed against the same. In case the three commissioners do not agree, the award agreed upon by any two of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district affected; such diagram to be attached to and made a part of the report of the commissioners. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 45. If in any case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot or land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or particulars of their interest, shall not affect the validity of the assessment. On the filing of said report, the clerk of said city council shall give notice of such filing by the publication of at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily newspaper, by three successive issues in a weekly or semi-weekly newspaper so published and circulated; and said notice shall require all persons interested to show cause, if any, why such report should not be confirmed, before the city council, on a day to be fixed by the city council and stated in said notice, which day shall not be less than twenty days from the first publication thereof. [Amendment approved March 9, 1893; Stats 1893, p. 89.]

Section 46. All objections shall be in writing and filed with the clerk of the city council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the council, which shall fix a time for hearing the same; of which time the clerk shall notify the objectors in the same manner as are notified objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned, the city council shall hear such objections and pass upon the same, and at such time shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given and had, as in the case of an original report. In case the ordinance or resolution of intention also provides for the assessing upon the district the cost of regrading or repaving such street or streets to such changed or modified grade, after the report of the commissioners as to the damages caused by such change of grade has been passed upon by the city council, it shall then advertise for bids to perform the work of regrading, repaving, sewering, sidewalking, or curbing such street or streets with the same or other material with which the same had been formerly graded, paved, sewered, sidewalked, or curbed; first causing a notice, with specifications, to be posted conspicuously for five days on or near the council chamber door, inviting sealed proposals for bids for doing such work, and shall also cause notices of said work, inviting said proposals and referring to the specifications posted or on file, to be published two days in a daily, semi-weekly, or weekly newspaper published and circulated in said city, and designated by the city council for that purpose, and in case there is no newspaper published in the city, then it shall be posted as provided in section three of the original act to which this is amendatory. All proposals or bids offered shall be accompanied by a check, payable to the order of the mayor of the

city, and certified by a responsible bank for that amount, which shall not be less than ten per cent of the aggregate of the proposals; or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall in open session, examine and publicly declare the same; provided, however, that no proposal or bid shall be considered unless accompanied by a check or a bond satisfactory to the council. The city council may reject any and all bids, and may award the contract to the lowest responsible bidder, which award shall be approved by the mayor or the three-fourths vote of the city council. If not approved by the mayor or the three-fourths vote of the city council, the city council may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter proceed in the manner in this section provided. All checks accompanying bids shall be held by the clerk until the bearer has entered into a contract, as herein provided; and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city, and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted, and the amount thereon collected paid into such fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the posting of proposals for said work. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 47. After such contract has been awarded and entered into, the clerk of the city council shall certify to the city council that fact, together with the total amount of the cost of the same, whereupon the city council shall cause to be forwarded to the commissioners a copy of such certificate; whereupon such commissioners shall proceed to assess the cost of doing such work upon all the lots and land lying within the district to

be assessed, distributing the same so that each lot will be assessed for its proportion of the same, according to the benefits it receives from the work, and in the same manner in which the damages caused by the change of grade were assessed upon the same. Such commissioners, in making such assessment, shall show the total amount for which each lot or tract is assessed, in excess of all benefits, for the total cost of changing and modifying the grade of the street, as well as the regrading, repaving, sewering, sidewalking, and curbing of the same, and costs or damages connected therewith. The provisions of the act to which this is amendatory in regard to the mode or manner of the assessment of the cost of such work shall not apply to the work herein contemplated; neither shall the provisions of the same in regard to the issuing of bonds to represent the cost of the same, nor the provisions in regard to the right of protest against the work. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 48. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, the cost of which shall be provided for by the commissioners, as a portion of the cost of the proceedings therein. Immediately upon receipt thereof by the street superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 49. The superintendent of streets shall thereupon give notice, by publication for ten days in one or more daily newspapers published and circulated in said city, or city and county, or two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assess-

ment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of such de- advertising each delinquent assessment, will be linquent assessments together with the cost of added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "paid" and the date of payment opposite the respective assessment so paid, and the name of the persons by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said superintendent of streets shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received, unless at the same time the five per cent added to as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published daily for five days, in one or more daily newspapers published and circulated in such city, or by at least two insertions in a weekly newspaper so published and circulated before the day of sale

for such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. All property sold shall be subject to redemption for one year, and in the same manner as in sales for delinquent state and county taxes; and the superintendent of streets shall, if there is no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold, and may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property for delinquent state and county taxes, in force at any given time, shall also then, as far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the street superintendent, made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. The superintendent of streets shall from time to time pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating each fund by the name of the street, square, lane, alley, court, or place for the change of grade for which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners or a majority of them. [Amendment approved March 9, 1893; Stats. 1893, p. 89.

Section 50. When sufficient money is in the hands of the city treasurer, in the fund voted for the proposed work or improvement, to pay the total cost for damages, as well as for the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of

the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which can be received at the office of such commissioners. Such notification may be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of residence. If, after the expiration of three days after the service or deposit of the notice in the postoffice, he shall not have applied for such warrant, the same shall be drawn and deposited with the city treasurer, to be delivered to him upon demand. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Sec. 51. If the owner of any premises damaged neglects or refuses, for ten days after the warrant has been placed in the hands of the city treasurer, subject to his demand, to accept the same, the city council may cause proceedings to be commenced, in the name of the city, to condemn said premises, as provided by law under the right of eminent domain. The ordinance or resolution of intention shall be conclusive evidence of the necessity of the same. Such proceedings shall have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of the special fund in the treasury for that purpose. At any time after the trial and judgment entered, or pending appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from said fund to answer the judgment, and thereupon may authorize or order the municipality to proceed with the proposed work or improvements. In case of a deficiency in said fund to pay the whole assessed judgment and damages, the city council may, in its discretion, order the balance thereof to be paid out of the general fund of the treasury, or to be distributed by the commissioners over the property assessed by a supplementary assessment, but in the last named case, in order to avoid delay, the city council may advance such balance out of any available fund in the treasury, and reimburse the same from the

collection of assessments. The treasurer shall pay such warrants in the order of their presentation; provided, that warrants for damages and for costs of performing the work shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money remains in the fund to pay all warrants of the first class before paying any of the second. The provisions of section one thousand two hundred and fifty-one of the Code of Civil Procedure, requiring the payment of damages within thirty days after the entry of judgment, shall not apply to damages rendered in proceedings under this act. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Sec. 52. All other provisions contained in the act to which this is amendatory, and which provisions are not in conflict herewith, shall apply to all matters herein contained. All proceedings in any work or improvement, such as is provided for in this act, already commenced and now in progress under another act now in force, or by virtue of an ordinance or resolution of intention heretofore passed, may, from any stage of such proceedings already commenced and now in progress, be continued under this act by resolution of the city council. The said work or improvement may then be conducted under the provisions of this act, with full force and effect in all respects from the stage of such proceedings at and from which such resolution or ordinance shall declare the intention to have such work done or improvement cease under such other acts or ordinances and continued under this act; and from such election so made all proceedings theretofore had are hereby ratified, confirmed, and made valid, and it shall be unnecessary to renew or conduct over again any proceedings prior to the passage of this act. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

Section 53. The provisions of this act shall be liberally construed to permit the objects thereof. [Amendment approved March 9, 1893; Stats. 1893, p. 89.]

An act to provide for laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities or cities and cities and counties of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

[Approved March 23, 1893; Stats. 1893, p. 220.]

Section 1. Be it enacted: Whenever the public interest or convenience may require, the city council of any municipality or cities and cities and counties, containing over forty thousand inhabitants, shall have full power to order, and upon the petition of the owners of a majority of the frontage to be taken for said purpose shall order, the opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and shall condemn and acquire any and all lands necessary or convenient for that purpose.

Sec. 2. Before ordering any work to be done or improvement made, which is authorized by section one of this act, the city council shall then pass a resolution declaring the intention to do said work, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of land to be affected or benefited by said work or improvement, and be assessed to pay the damages, cost, and expense thereof.

Sec. 3. The street superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement, and not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed, "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, state the fact of the passage of the resolution, its date, and, briefly, the work of improvement proposed, and refer to the resolution for further particulars. He shall also cause a no-

tice similar in substance to be published for a period of ten days in one or more daily newspapers published and circulated in said city, and designated by said city council; or if there is no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper so published, circulated, and designated.

Sec. 4. Any person through whose lands said proposed street extension runs, or who will be damaged or affected by said proposed work, may, within ten days after the first publication of said notice, file with the clerk of the city council his written objections thereto, stating in what manner and to what extent he will be damaged, which objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and at the next meeting of the city council, after the expiration of said ten days, lay said objections before said city council, which shall fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to such objector.

Sec. 5. At the time specified, or to which the hearing may be adjourned, the city council shall hear the objections filed, and if the owners of a majority of the frontage of all lands to be assessed for benefits, as said owners appear on the last preceding annual assessment roll for state and county taxes, object, in writing, to said proposed opening, extending, and widening, straightening, diverging, curving, contracting, or closing up of said street, said city council shall sustain said objections, and all proceedings therefor shall be stopped for the period of twelve months. Proceedings may be again commenced by a new resolution of intention. If the owners of a majority of the frontage of all streets within the assessment district do not object, in writing, thereto, within the time specified in this act, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done or improvements to be made which is authorized by section one of this act.

Sec. 6. Having acquired jurisdiction, as provided in the preceding section, the city council shall order said work to be done, and, unless the proposed work is for closing up, and it appears that no assessment is necessary, shall appoint three disinterested persons, who shall constitute a board of commissioners in that regard, who shall have full supervision of the proposed work or improvement until the completion thereof in compliance with this statute. For their services they shall each receive, as compensation, not to exceed five dollars for every day of actual service; provided, that said compensation shall not be paid for a longer term than six months for each district, unless extended by the council. Such extension shall not exceed two months at one time, nor shall the term of office of said commissioners, for any district, continue for longer than one year. Such compensation shall be added to and be chargeable as a part of the expenses of the work or improvement. Each of said commissioners shall file with the clerk of the city council an affidavit and a bond to the state of California, in the sum of five thousand dollars, to faithfully perform the duties of his office. The city council may at any time remove any or all of said commissioners for cause upon reasonable notice and hearing, and may fill any vacancies occurring among them for any cause. At the end of the terms of said commissioners, they shall hand over all unfinished business to the city council, who shall complete the same. In all municipalities where there is a board of public works, such board shall constitute the board of commissioners in this section provided for, and shall perform the duties of such commissioners, and their salaries as members of the board of public works shall be in full compensation for such services. It shall be the official duty of the city attorney to render said commissioners all necessary legal services; provided, that the city surveyor shall, for any work or services which he may perform by the direction of the common council or other legislative department of the city government, receive, in addition to his salary allowed by law, all sums which he may lay out, pay out, or expend in the prosecution of said work, for materials or labor necessarily therein by him employed.

Sec. 7. Said commissioners shall have an office assigned to them by the city council, in the city hall, and shall have power to employ a secretary, at a salary not to exceed one hundred and fifty dollars per month, and such other clerical assistance as shall be provided them by the city council, the salaries and fees of whom shall be established and fixed by said city council.

Sec. 8. All such charges and expenses shall be deemed as expenses of said work of improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereinafter. All payments, as well for the land and improvements taken or damaged, and for the charges and expenses, shall be paid by the city treasurer, upon warrants drawn upon said fund from time to time, signed by said commissioners, or a majority of them. All such warrants shall state whether they are issued for land or improvements taken or damaged, or for charges and expenses, and that the demand is only payable out of the money in said fund, and in no event shall the city be liable for the failure to collect any assessment made by virtue hereof, nor shall said warrant be payable out of any other fund, nor a claim against the city.

Sec. 9. Said commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath, to be administered by any of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land, and the damage to improvement and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same, shall proceed to assess the same upon the lands described in said district herein provided. The lands fronting on said extension or widening shall only be assessed to the depth of one hundred and twenty feet, or the full depth of the lots, not exceeding one hundred and fifty feet; and said lands shall be assessed with reference to the amount of grading to be done, and their location on the grades of said street or improvement; and the expenses of grading said lots or lands, whether filling or

cutting shall be necessary to place them on the grade of said street or improvement, shall be estimated in determining the value of the land, and the damage to the improvement and property affected.

Sec. 10. Said commissioners, having made their assessment of benefits and damage, shall, with all diligence, make a written report thereof, to the city council, and shall accompany their report with a plat showing the land taken, or about to be taken, for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot, or portion of lot, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn and in all respects. When the report and plat are approved by the city council, a copy of said plat, appropriately designated, shall be filed by the clerk thereof in the office of the recorder of the county.

Sec. 11. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening or other improvement, or assessed therefor, together with the name of the owner or claimant thereof, or of persons interested therein as lessees, encumbrancers, or otherwise, so far as the same are known to such commissioners, and the particulars of their interests, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

Sec. 12. If in any case the commissioners find conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or the condemnation of the property to be taken.

Sec. 13. Said report and plat shall be filed in the clerk's office of the city council, and thereupon

the clerk of said city council shall give notice of such filing by publication for at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily newspaper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the city council, on or before a day fixed by the clerk thereof, and stated in said notice, which day shall be not less than thirty days from the first publication thereof.

Sec. 14. All objections shall be in writing, and filed with the clerk of the city council, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the city council, which shall fix a time for hearing the same, of which the clerk shall notify the objectors in the same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the city council shall hear such objections and pass upon the same; and at such time, or if there be no objections at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct or modify, or may sustain the objections thereto and order the commissioners to make a new report, assessment, and plat, which in either case shall be filed, and notice given and hearing had, as in the case of the original report; but no report, or plat, or assessment shall be filed by said commissioners after the expiration of ten months after their appointment.

Sec. 15. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, and thirty days after such filing shall become a lien on the property assessed therein, for its proportion of the costs of said improvement, as hereinbefore provided.

Sec. 16. The superintendent of streets shall thereupon give notice by publication for ten days

in two daily newspapers published and circulated in said city and county, or by two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent. upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "paid" and the date of payment opposite the respective assessments so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll, and shall add five per cent. to the amount of each assessment so delinquent. The said superintendent of streets shall, within five days from the date of said delinquency, proceed to advertise and collect the various sums delinquent and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of said sale herein provided for, no assessment shall be received unless at the time the five per cent. added thereto, as aforesaid, together with the cost of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published daily for five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly newspaper so published and circu-

lated, before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent state and county taxes; and the superintendent of streets may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property for delinquent state and county taxes in force at any given time shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and the execution of deeds. The deed of the street superintendent made after such sales, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The superintendent of streets shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, square, lane, alley, court, or place for the widening, opening, or other improvement of which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners, or a majority of them.

Sec. 17. When sufficient money is in the hands of the city treasurer, in the fund devoted to the proposed work or improvement, to pay for the land or improvements taken or damaged, and when, in the discretion of the commissioners, or a majority of them, the time shall have come to make payments, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of any land or improvements thereon to whom damages shall have been awarded that a

warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of such commissioners, upon tendering a conveyance of any property to be taken; such a notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of abode or residence. If, at the expiration of thirty days after the deposit of such notice, he should not have applied for such warrant and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the county treasurer, and shall be delivered to such owner, possessor, or occupant, upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

Sec. 18. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor, as aforesaid, or objects to the report as to the necessity of taking his land, the commissioners, with the approval of the city council, may cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage or condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceedings shall be brought in the name of the municipality, and have precedence, so far as the business of the court will permit; and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and judgment entered, or preceding an appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from the fund appropriated to the particular improvement, to answer the judgment and all damages, and thereupon may authorize and order the municipality to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of said

judgment and damages, the city council shall order the balance thereof to be paid out of the general fund of the treasury.

Sec. 19. The treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation; provided, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Sec. 20. If any title attempted to be acquired by virtue of this act shall be found to be defective from any cause, the city council may again institute proceedings to acquire the land as in this act provided, or otherwise, or may authorize the commissioners to purchase the same, and include the cost thereof in a supplementary assessment, as provided in the last section.

Sec. 21. 1. The words "work" and "improvement," as used in this act, shall include all work mentioned in section one of this act.

2. In case there is no daily or weekly or semi-weekly newspaper printed and circulated in the city, then such notices as are herein required to be published in a newspaper shall be posted and kept posted for the length of time required herein for the publication of the same in a weekly newspaper, in three of the most public places in such city. Proof of the publication of posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

3. The word "municipality" and the word "city" shall be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purposes.

4. The term "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is no street superintendent or superintend-

ent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets, and all the provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such persons so appointed.

5. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

6. The term "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of said city council.

7. The term "treasurer" or "city treasurer," as used in this act, shall include any person or officer who shall have charge and make payment of the city funds.

Sec. 22. The mayor, tax collector, and city or city and county attorney as the case may be, of all municipalities wherein there is existing at the passage of this act any commission appointed for the opening, extending, or widening of streets under the provision of said act of March sixth, eighteen hundred and eighty-nine, and which commission is not within the proviso of section twenty-three of this act, are hereby constituted a board of audit, whose duty it shall be, upon petition of said commission, to carefully examine all the accounts, bills, and expenditures, made or contracted for by said commission, including the salaries of the said commissioners; and said board of audit, or a majority of its members, is hereby authorized to audit and allow such amounts as it shall find to be just and reasonable, and report said amounts, with the items thereof and to whom payable, to the city council. Said report shall be final and conclusive as to said amounts. The city council is authorized to pass and allow and order paid to each of the persons entitled thereto, the amounts so found to be due, in the same manner as claims and demands against such municipality are passed, allowed, and ordered paid. The payment of said amounts shall be provided for in the tax levy next thereafter made by said city council, and when said taxes are collect-

ed the said amounts shall be paid out of the general fund of said municipality in the same manner as other claims and demands are paid.

Sec. 23. The act approved March sixth, eighteen hundred and eighty-nine, entitled "An act for opening, widening, and extending streets," etc., after the passage of this act, shall not apply to any city or city and county having a population of forty thousand inhabitants or over; but as to any city or city and county having a population of forty thousand or over said act shall not apply; but said cities and cities and counties shall be subject only to the provisions of this act in all matters embraced within the purview of this act; provided, however, that the present city council or other governing body of any municipality of forty thousand inhabitants or over shall have power, by a three-fourths vote of its members, to extend the life of any existing commission until its work shall have been completed as in said act provided; but in all other cases in cities or cities and counties of forty thousand inhabitants or over, the assessments, plats, and reports filed by said commissioners are declared to be null and void, and all moneys collected under the provisions of said act shall be refunded to the persons from whom the same were collected, in the same manner as taxes which have been twice collected, and the said commissioners are hereby removed from office; provided further, however, that in case of the lands necessary to widen or open any street, there shall have been actually purchased and conveyed to the municipality, under the provisions of said act of March sixth, eighteen hundred and eighty-nine, more than one-half of the land necessary for said improvements, as shown by the report and plat on file, then said streets, and the improvement thereof, shall not be affected by this act, but the same shall be completed as commenced.

Sec. 24. This act shall be liberally construed, to promote the objects thereof.

This act shall take effect and be in force from the time of its passage.

An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds.

[Approved February 27, 1893; Stats. 1893, p. 33.]

Section 1. Wherever in this act the phrase "street-work act" is used, it means, and shall be taken to mean, the act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and all acts amendatory thereof or supplementary thereto; and wherever in this act the name of any municipal body or officer is used, or any word or phrase is used which is not herein expressly defined, it means and shall be taken to mean such municipal body or officer, or word or phrase, as the same is expressly defined in said street-work act, and in all acts amendatory thereof or supplementary thereto.

Sec. 2. Whenever the city council of any municipality in this state shall find, upon estimates of the city engineer, that the cost of any proposed work or improvement authorized by said street-work act will be greater than fifty cents per front foot along each line of the street so proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement, in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent. per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said mu-

nicipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid. [Amended March 2, 1899; stats. 1899, ch. 42.]

Sec. 3. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under said streetwork act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by said street-work act to be either posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said council upon an appeal, and describing the bonds, shall be included in the warrant provided for in section nine of said street-work act. [Amended March 2, 1899; Stats. 1899, ch. 42.]

Sec. 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, as provided in section eleven of said street-work act, then five days after the final decision of said council, and after the street superintendent shall have recorded the return, as provided in section ten of the same act, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond,

representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

$——|100. NO.——.

Under and by virtue of an act of the legislature of the state of California (title of said act), I, out of the fund for the above designated street improvement bonds, series ——, will pay to ——, or order, the sum of —— ($——), with interest at the rate of —— per cent. per annum, all as is hereinafter specified, and at the office of the —— treasurer of the —— of ——, state of California. This bond is issued to represent the cost of certain street work upon ——, in the —— of ——, as the same is more fully described in the assessment number ——, issued by the street superintendent of said ——, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number ——, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit, the lot or parcel of land in said —— of ——, county of ——, state of California, ——.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is —— years from its date, and at the expiration

of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of —— per centum per annum. The interest is payable semi-annually, to wit, on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of ——, and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said —— of ——, this —— day of ——, in the year one thousand —— hundred and ——.

———,

City treasurer of the —— of ——.

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in part one of said street-work act.

Provided, also, that if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessments upon his lot or parcel of land present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and with such affidavit and certificate such person notifies said treasurer in writing that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collec-

tion as if said lot or parcel of land had not been so listed by the street superintendent. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be prima facie evidence of the regularity of all proceedings thereto under said street-work act and this act, previous to the making of the certified list of all assessments unpaid to the amount of twenty-five dollars or over by the street superintendent, to the city treasurer, and of the validity of said lien, up to the date of said list. [Amended March 2, 1899; Stats. 1899, ch. 42.]

Sec. 5. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been, or may hereafter be, issued, any payment, either upon the principal, or of the interest, has not been, or shall not be made when the same has become, or shall become due, and the holder of the bond

thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Subdivision *a*. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as provided in this section, the said city treasurer shall publish for two weeks in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer.

Subdivision *b*. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made—which affidavit is primary evidence of all the facts stated therein.

Subdivision *c*. The city treasurer must collect, in addition to the account due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale, as hereinafter provided.

Subdivision *d*. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold as herein provided.

Subdivision *f*. The city treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale.

Subdivision *g*. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale.

Subdivision *h*. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Subdivision *i*. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city

treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Subdivision *j*. If the property is not redeemed within the time allowed by subdivision *h* hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; provided, however, that the purchaser of the property, or his assignee, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property

sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Subdivision *k*. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all incumbrances, except the lien for state, county, and municipal taxes. [Amended March 2, 1899; Stats. 1899; ch. xlii.]

Sec. 6. Whenever any railroad track or tracks of any description exists upon any street or streets on which the city council has ordered work to be done or improvements made, excepting therefrom such portions as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, the said council may, at any time thereafter, order such person or company to perform upon said excepted portion the work or improvements, similar in all respects to that already ordered to be performed under the same specifications and superintendence, with the same materials, within the same time, and to the like satisfaction and acceptance. Thereupon it shall be the duty of the clerk of said council to deliver immediately a copy of such order, certified by him, to such person or company, and to make and preserve in his office a certificate of such delivery, its date, and upon whom made. Should such person or company, for thirty days, or within such extension of time as the city council may

grant, thereafter refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the city council to have such work or improvement performed, and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order, such person or company may file with the clerk of said council a written assumption of the performance of said work or improvement, according to the order, or a request to the council to have such work or improvement performed, for and at the expense of such person or company, in the manner herein provided. The failure to file such instrument within said time shall be taken and deemed to be a refusal to comply with the order. Upon reception of said assumption of direct performance of said work or improvement, the city council shall take no further proceedings in the matter, unless such person or company neglects or fails for thirty days, or such further time as the council may grant, to comply with the provisions of the order. But if such person or company files the said request that the said council have such work or improvement performed, or fails to perform said work within thirty days, or within such further time as the council may grant, then said city council may pass an ordinance of intention to perform said work, which ordinance shall specify the work to be performed, and a statement that unless within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council on an appeal, the said person or company shall pay the cost of said work, or the street superintendent of said city shall issue bonds to represent the cost of said work, stating also that the cost of said work, in case bonds shall issue, shall be paid in ten yearly installments, and also the rate of interest (not to exceed ten per cent per annum) that the same shall bear. The subsequent procedure shall be as provided by the "street-work act." A similar statement shall also be incorporated in all notices required to be posted or published by the provisions of the "street-work act"; also in the ordi-

nance or resolution ordering the work, advertisement for proposals, and in the contract. Whenever the person or company owning any such railroad shall not have, within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council on an appeal, paid the cost of such work, the street superintendent shall issue to the contractor, or his assigns, bonds for the amount of such cost, which shall describe the franchise, tracks, and road-bed along or between which said work has been performed, and describing the same as upon the assessment and diagram, giving its assessment number. Such bonds shall also describe the work performed, giving the total amount of the cost of such work, the name of the owner of said railroad, the number of installments in which the cost of the work is to be paid, and the rate of interest which the deferred payments shall bear. Said bonds shall be in sums of not less than one hundred dollars or more than one thousand dollars, and shall recite that the total amount of the cost of such work, together with the interest thereon, as represented in said bonds, is, except state, county, and municipal taxes, a first lien upon all the track, road-bed, switches, and franchises of said railroad lying within the corporate limits of the city or town, on any part of which said work has been performed. Said street superintendent shall also keep a record of such bonds, as required by section eighteen of the "street-work act." Whenever bonds have been issued, as herein provided, the same, together with the cost of such work and the interest thereon, shall be, except state, county, or municipal taxes, a first lien upon all the tracks, road-beds, switches, and franchises of said railroad within the corporate limits of the city or town, on any part of which said work has been performed. Sections four and five of this act, regarding the form, issuance, and foreclosure of street bonds, and the sale of property described therein, shall apply hereto, except that the work required to be performed by the treasurer by said sections shall be performed by the street

superintendent, in so far as the bonds for the paving of railroads are concerned. None of the provisions of the "street-work act" in regard to a protest against the work shall apply to any work contemplated by this section. All provisions of the "street-work act" not inconsistent with the provisions hereof shall apply hereto.

Sec. 7. The term "city treasurer," as used in this act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

Sec. 8. The act entitled "An act to amend an act entitled 'An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities,' approved March eighteenth, eighteen hundred and eighty-five, by adding thereto an additional part, numbered four, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four, relative to a system of street improvement bonds," approved March seventeenth, eighteen hundred and ninety-one, is hereby repealed, except as to any and all proceedings hitherto commenced thereunder, which proceedings may be completed and have full force as is therein provided.

Sec. 9. This act shall take effect and become of force from and after its passage.

An Act fixing and regulating the manner of sale and redemption of real property for delinquent assessments to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in any part, any street, square, lane, alley, court, or place within municipalities in this State.

[Stat. approved March 27, 1895; Stats. 1895, chap. clxxvii.]

The People of the State of California, represented in the Senate and Assembly, do enact as follows:

Section 1. All sales, and redemptions after sale, of any real property upon which the assessment levied and assessed to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, constructing, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities in this State, shall remain unpaid and become delinquent under the provisions of any Act or law regulating such matters, shall be made and had in the same time and manner as such sales and redemption were required by law to be made and had on the first day of January, Anno Domini eighteen hundred and ninety-five.

Sec. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage and approval.

TITLE 273.

SUNDAYS.

Acts relating to: See Penal Code, Appendix, title, Sunday, p. 695.

TITLE 274.

SUPERVISORS.

Acts relating to: See Penal Code, Appendix, title, Supervisors, p. 696; Political Code, Appendix, title, Supervisors, p. 1065.

TITLE 275.

SUPREME COURT REPORTER.

Deputy for: See Political Code, p. 1065.

TITLE 276.

SURVEYOR GENERAL.

Act relating to: See Political Code, Appendix, title Surveyor General, p. 1066.

TITLE 277.

SURVEYORS.

An act to define the duties of and to license land surveyors.

[Approved March 31, 1891; Stats. 1891, p. 478.]

Section 1. Every person desiring to become a licensed land surveyor in this state must present to the state surveyor general of this state a certificate that he is a person of good moral character; also, a certificate signed by three licensed sur-

veyors, or a certificate signed by the board of examining surveyors (provided for in section five of this act), which certificate shall set forth that the person named therein is, in the opinion of the person signing the same, a fit and competent person to receive a license as a land surveyor, together with his oath that he will support the constitution of this state and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor, as defined in this act.

Sec. 2. Upon receipt of such certificate and oath by the state surveyor general, it shall be his duty forthwith to issue to such applicant a license, without charge, which license shall set forth the fact that the applicant is a competent surveyor, or that he has had at least two years' experience in the field as a surveyor or assistant surveyor.

Sec. 3. Such license shall contain the full name of the applicant; the technical institution from which he is a graduate (if he be a graduate), or if he be not a graduate, the fact must be stated in the license; his birthplace, age, and to whom issued; the name of the person upon whose certificate the license is issued, and the date of its issuance.

Sec. 4. All papers received by the state surveyor general on application for licenses shall be kept on file in his office, and a proper index and record thereof shall be kept by him, and a list of all licensed land surveyors shall be kept by him, and he shall monthly transmit to the county recorder of each county in this state a full and correct list of all persons so licensed; and it is hereby made the duty of such recorders to keep such lists in their offices in such a way as they may be easily accessible to all persons.

Sec. 5. Within twenty days after the passage of this act, the governor shall appoint three surveyors in good standing, members of the technical society of the Pacific coast, and two other surveyors in good standing, not members of such society, as a board of examining surveyors, who shall conduct such examinations and make such inquiries as to them may seem necessary to ascertain the qualifications of applicants for surveyors' licenses.

Sec. 6. A majority of the board of examining surveyors shall meet on the first Friday of each month during their term of office, in the rooms

of the technical society of the Pacific coast, in San Francisco, and at such other times and places as they may select. The members of the board shall hold office for the term of one year from the date of appointment, and shall serve without compensation.

Sec. 7. Every licensed surveyor shall have a seal of office, the impression of which must contain the name of the surveyor, his principal place of business, and the words "licensed surveyor"; and all maps and papers signed by him, and to which said seal has been attached, shall be prima facie evidence in all the courts of this state.

Sec. 8. Surveyors' licenses, issued in accordance with this act, shall remain in force until revoked for cause, as hereinafter provided.

Sec. 9. Every licensed surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners; or, if a corner or monument be found in a perishable condition, and it appears desirable that evidence concerning such corner or monument be perpetuated; or whenever the importance of the survey makes it desirable, to administer an oath for the faithful performance of duty to his assistants. A record of such oaths shall be preserved as a part of the field notes of the survey.

Sec. 10. Every licensed surveyor is hereby authorized to make surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each surveyor, whenever making any such surveys, except those relating to the retracing or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities, or counties, to set permanent and reliable monuments, and such monuments must be permanently marked with the initials of the surveyor setting them.

Sec. 11. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads or trails, original cemetery or town sites, and their subdivisions, has been made by a licensed surveyor, he shall file with the recorder of the county in which such survey or any portion thereof lies, a record of sur

vey. Such record shall be made in a good draughtsman-like manner, on one or more sheets of firm paper of the uniform size of twenty-one by thirty inches. This record of survey shall be either an original plat or a copy thereof, and must contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of survey must show: All permanent monuments set, describing their size, kind, and location, with reference to the corners which they are intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses, and lengths of boundary lines; the angles, as measured by Vernier readings, which the lines of blocks or lots, if the record relate to an original town site survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map; the date of survey; a proper connection with one or more points of an original or larger tract of land and the name of the same; the name of the grant or grants, or of the townships and ranges, within which the survey is located; the signature and seal of the surveyor; provided, that nothing in this section shall require record to be made of surveys of a preliminary nature, where no monuments or corners are established.

Sec. 12. The record of surveys thus filed with the county recorder of any county must be by him pasted into a stub-book, provided for that purpose, and he must keep a proper index of such records, by name of owner, by name of surveyor, by name of grant, city, or town, and by United States subdivisions; and he shall make no charge for filing and indexing such records of surveys.

Sec. 13. Upon the failure of any licensed surveyor to comply with the requirements of this act and the furnishing of satisfactory proofs of such fact, the state surveyor general must revoke his license, and no other license shall be issued to him within one year from such revocation. A violation of section eleven of this act shall be a misdemeanor, and any person convicted of such violation shall be punished by a fine not to exceed more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Sec. 14. In case said board shall refuse to meet and examine applicants for licenses as in this act provided, and issue to such applicants the certificate or certificates mentioned in this act, if such person be a fit and competent person to receive the same, they may be compelled to do so by mandamus; and if upon the hearing of such mandamus it appears that they have willfully and wrongfully refused to examine any applicant, or to issue him a certificate when he is entitled to the same, such board so refusing or failing shall be, jointly and severally, liable for all cost of said mandamus proceeding, including attorney's fee of five hundred dollars, and shall be so jointly and severally liable to any person aggrieved by such refusal, in the sum of five hundred dollars, as fixed, settled, and liquidated damages, which may be recovered in any court in this state, and the judgment (if it be for plaintiff) in mandamus shall be prima facie evidence of such injury and damage in any action which may be brought to recover damages under the provisions of this act.

Sec. 15. All that part of the Code of Civil Procedure of this state relating to mandamus is hereby made applicable to the provisions of this act; and all proceedings in mandamus under this act shall be in accordance therewith.

Sec. 16. This act shall take effect on the first day of July, eighteen hundred and ninety-one.

TITLE 278.

SUTTER COUNTY.

A reference to special laws affecting Sutter county is contained in Deering's Annotated Penal Code, pp. 711 and 712.

In addition to those there referred to consult:

Act approved March 19, 1889; Stats. 1889, p. 355, relating to levee district No. 1; act approved March 10, 1891, Stats. 1891, p. 62, relating to swamp land district seventy; an act amending the act authorizing supervisors to construct bridge across Feather river, approved March 19, 1889; Stats. 1889, p. 323.

TITLE 279.

SUTTER'S FORT.

Consult the following acts:

An act to provide for the appointment of a board of Sutter's Fort trustees, and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property.

[Approved March 7, 1891; Stats. 1891, p. 25.]

An act providing an appropriation for the purpose of completing and preserving Sutter's Fort.

[Approved March 9, 1893; Stats. 1893, p. 102.]

An act for the appointment of a guardian. [Approved March 16, 1895, p. 56.].

An act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.

[Stat. approved April 1, 1897; Stats. 1897, chap. cclxxvi.]

TITLE 280.

SWAMP AND OVERFLOWED LANDS.

Acts relating to: See ante, title "Lands of the State."

An act to determine that lands of this state are swamp and overflowed when returned as such by the United States surveyor general.

[Approved March 31, 1891; Stats. 1891, p 221.]

Section 1. Lands within this state which have been or may hereafter be returned by the United

States surveyor general as swamp and overflowed lands, and shown as such on approved township plats, shall, as soon as patents have been or may be issued therefor by this state, be held to be of the character so returned; provided, however, that nothing herein contained shall be construed to affect the rights of any homestead or preemption settler claiming under the laws of the United States, nor shall it affect any suit now pending in any court as between the parties thereto; provided, that nothing contained in this act shall be construed to prejudice the rights of any settler now or hereafter located upon said lands to perfect title to the same, if permitted under existing laws.

Sec. 2. This act shall take effect from and after its passage.

An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for nonuser of corporate powers. [Approved February 17, 1899; Stats. 1899; ch. xvi.]

An act to declare certain tide lands public grounds, and granting the same to the county of San Mateo in trust for the use of the public. [Approved February 27, 1893; Stats. 1893, p. 42.]

An act quitclaiming to the successors in interest of James Bowman all claim of the state in "water lot No. 415." [Approved March 11, 1893; Stats. 1893, p. 151.]

An act quitclaiming to the successors in interest of Sallie C. Perry all claim of the state of California in that certain tract of land in the city and county of San Francisco known as "city slip lot number one hundred and sixteen," and empowering and directing the governor to execute a deed of quitclaim therefor to said successors in interest of said Sallie C. Perry. [Approved March 9, 1893; Stats. 1893, p. 102.]

An act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

[Approved March 24, 1893; Stats. 1893, p. 341.]

Section 1. Any person desiring to purchase any of the lands uncovered by the recession or drainage of the waters of inland lakes, and inuring to the state by virtue of their sovereignty, or the swamp and overflowed lands not segregated by the United States, shall make an application therefor to the surveyor general of the state, which application shall be accompanied by applicant's affidavit that he is a citizen of the United States, or has declared his intention to become such, a resident of this state, of lawful age, that he desires to purchase such lands (describing the same by legal subdivisions, or by metes and bounds if the legal subdivisions are unknown) under the provisions of this act; that he desires to purchase the same for his own use and benefit, and for the use and benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same, and that he does not own any state lands which, together with that now sought to be purchased, exceeds six hundred and forty acres.

Sec. 2. Upon the filing of said application, when the land has not been sectionized, the surveyor general shall authorize the county surveyor of the county where the whole or the greater portion of the land lies to survey the same, who shall make an actual survey thereof, at the expense of the applicant, establishing four corners to each quarter-section, and connecting the same with a United States survey; and he must, within thirty days, file with the surveyor general a copy, under oath, of his field-notes and plat, and a statement, under oath, showing whether or not the land is occupied by any actual settler.

Sec. 3. If the surveyor thus authorized shall fail to make his return to the surveyor general within the time specified in the preceding section,

the surveyor general may designate another person to make the said survey.

Sec. 4. No application to purchase land under this act shall be approved by the surveyor general until the expiration of ninety days from the filing thereof in his office, and meanwhile the land shall be subject to the adverse claim of any actual settler who has resided thereon when the said application was filed.

Sec. 5. The lands designated in this act shall be sold and patented at the price of two dollars and fifty cents per acre and on the same terms and manner of payment as at present provided for swamp and overflowed lands. All moneys received for said lands shall be paid into the swamp land fund of the county in which the lands are situated, and shall be treated and disposed of in the same manner as moneys arising from the sale of segregated swamp and overflow lands, and all moneys heretofore received for the sale of such lands, and remaining in the treasury, shall be subject to the same provisions of law. If any of the lands described in this act are suitable for cultivation without reclamation, such lands shall be sold only to actual settlers in tracts not exceeding one hundred and sixty acres. [Amendment approved March 22, 1899; Stats. 1899, ch. cxlix.]

Sec. 6. Any of the lands designated in this act which by reason of periodical overflow, need and are susceptible of reclamation may be reclaimed by the formation of districts in the same manner and subject to all of the provisions of law regulating the reclamation of swamp and overflowed lands; provided, that the board of supervisors of the county in which the lands, or the greater part thereof, are situated must first determine, upon proper petition presented therefor, by the holders of the title, or evidence of title, representing one-half or more of any body of such land, that such reclamation is necessary and feasible.

Sec. 7. When land has been sold under this act, no contest shall be maintained against the purchaser on the ground that the land is not of the

character stated in the application, unless it is shown that it is not of the character recited in section one of this act.

Sec. 8. All uncanceled certificates of purchase and patents heretofore issued and payments heretofore made for any lands as swamp and overflowed lands which lands belong to any of the classes described in section one of this act, whether or not such lands were segregated or sectionized, shall, for all purposes, be valid, and shall have the same force and effect as if such lands had been at all times subject to sale as swamp and overflowed lands; provided, however, that any and all contests now existing between settlers and holders of certificates of purchase shall not be affected by the provisions of this act.

Sec. 9. All plats of any of the lands described in section one of this act which have been heretofore made under authority of the United States surveyor general, and which plats designate the same as swamp and overflowed lands, shall be deemed valid and effectual as surveys of such lands from and after the date thereof.

Sec. 10. This act shall take effect from and after its passage.

An act to abolish the state board of tide land commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

[Approved February 4, 1876; amendments 1875-6, 15.]

Section 1. The state board of tide land commissioners is hereby abolished.

Sec. 2. All books, maps, papers, and documents belonging to the archives of said board, and all other property of the state under its custody or control, must be deposited with and kept and preserved by the surveyor general of the state.

Sec. 3. Sections 365 and 698 of the Political Code are hereby repealed.

Sec. 4. An act entitled "An act supplementary to and amendatory of 'An act supplementary to

and amendatory of an act entitled An act to survey and dispose of certain salt-marsh and tide lands belonging to the state of California,' " approved March 30, 1868, also an act approved April 1, 1870, approved March 30, 1874, is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Compare in connection with section 4 of this act section 3488 of Political Code as amended in 1891.

TITLE 281.

TAXATION.

The state revenue laws up to 1865 were carefully collated in the General Laws, sec. 6148 et seq., and the several acts passed between 1864 and 1871 given in the Supplement, sec. 9255 et seq. Since then various acts have been passed, which are important as affecting vested rights. These acts are collected in Deering's Annotated Penal Code, p. 712 et seq.

An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds.

[Approved March 23, 1893; Stats. 1893, p. 193.]

Section 1. All property which shall pass, by will or by the intestate laws of this state, from any person who may die seized or possessed of the same while a resident of this state, or if such decedent was not a resident of this state at the time of death, which property, or any part thereof, shall be within this state, or any interest therein or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainor,

or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the state of California, and any lineal descendent of such decedent born in lawful wedlock, or the societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the treasurer of the proper county, as hereinafter defined, for the use of the state; and all administrators, executors, and trustees shall be liable for any and all such taxes until the same shall have been paid, as hereinafter directed; provided, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax. [Sec. 2. The exemptions contained in this act shall apply to all property which has passed, by will, succession, or transfer, since the approval of the act of which this act is amendatory, except in those cases where the tax has been paid to the treasurer of the proper county.]

[Amendment of March 14, 1899; Stats. 1899, ch. 85. In effect immediately.]

Sec. 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section eleven of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; provided, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the state of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county, provided further, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years. [Amendment approved March 9, 1895; Stats. 1895, chap. xxviii. In effect immediately.]

Sec. 3. Whenever a decedent appoints or names one or more executors or trustees, and makes a

bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Sec. 4. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond, in the form and to the effect prescribed in section two of this act, for the payment of said tax, together with interest.

Sec. 5. The penalty of ten per centum per annum imposed by section four hereof for the nonpayment of said tax shall not be charged in cases where, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; and in such cases only seven per centum per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed.

Sec. 6. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specif-

ic legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require. [Amendment approved March 9, 1895; Stats. 1895, chap. xxviii. In effect immediately.]

Sec. 7. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Sec. 8. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending; and the said treasurer shall give, and every executor, administrator, or trustee shall take, duplicate receipts for such payment, one of which receipts said executor, administrator, or trustee shall immediately send to the controller of the state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall seal said receipt with the seal of his office, and countersign the same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the controller, or a copy thereof certified by him.

Sec. 9. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator, or trustee, if the said tax has not been paid to the county treasurer or to the state controller, or by them, if it has been so paid.

Sec. 10. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this state standing in the name of a decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the treasurer of the proper county on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax; provided, that such corporation had knowledge before such transfer that said stocks or loans are liable to said tax.

Sec. 11. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the superior court in which the probate proceedings are pending, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have or claim an interest in such property, and to such persons as the court may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report the said court shall, by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests, and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future

or contingent or limited estate, income, or interest shall, for the purposes of this act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the insurance commissioner shall, on the application of said court, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on the certificate of the court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses. [Amendment approved March 9, 1895; Stats. 1895, chap. xxviii. In effect immediately.]

Sec. 12. Any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

Sec. 13. The superior court in the county in which is situate the real property of a decedent who was not a resident of the state, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, and the

court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

Sec. 14. If it shall appear to the superior court, or judge thereof, that any tax accruing under this act has not been paid according to law, it shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax to appear before the court on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree shall conform to the provisions of chapter twelve of title eleven of part three of the Code of Civil Procedure; and the clerk of the court shall, upon the request of the district attorney or treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Sec. 15. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the district attorney of the proper county, in writing of such failure to pay such tax, and the district attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the superior court, as provided in section fourteen of this act, for the enforcement and collection of such tax. [Amendment approved March 9, 1895; Stats. 1895, chap. xxviii. In effect immediately.]

Sec. 16. The county clerk of each county shall, every three months, make a statement, in writing, to the county treasurer, of the property from which, or the party from whom, he has reason to believe a tax under this act is due and unpaid.

Sec. 17. Whenever the superior court of any

county shall certify that there was probable cause for issuing a citation, and taking the proceedings specified in section fifteen of this act, the state treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid. [Amendment approved March 9, 1895; Stats. 1895, chap. xxviii. In effect immediately.]

Sec. 18. The county clerk of each county shall keep a book in which he shall enter the values of inheritances, devises, bequests, and other interests subject to the payment of said tax, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which books shall be kept by him as public records. [Amendment approved March 9, 1895; Stats. 1895, chap. xxviii. In effect immediately.]

Sec. 19. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor, of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

Sec. 20. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year, under this act, in addition to his salary or fees now allowed by law, five per centum on the first fifty thousand dollars so paid and accounted for by him, three per centum on the next fifty thousand dollars so paid and accounted for by him, and one per centum on all additional sums so paid and accounted for by him.

Sec. 21. Any person, or body politic or corporate, shall, upon payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or a copy of the receipt, at his option, that may have been given by said

treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized said tax has been paid, and by whom paid, and whether or not it is in full of said tax, and said receipt may be recorded in the clerk's office in the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be labeled "Collateral Tax."

Sec. 22. All taxes levied and collected under this act shall be paid into the treasury of the state, for the uses of the state school fund.

Sec. 23. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

An act to repeal an act entitled "An act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

[Approved March 31, 1897, p. 243.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. An act entitled an act imposing a tax on the issue of certificates of stock of stock corporations, approved April one, eighteen hundred and seventy-eight, is hereby repealed.

Sec. 2. This act shall take effect from and after its passage.

An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations.

[Stat. approved March 27, 1895; Stats. 1895, chap. clxxxii.]

Section 1. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, except municipal corporations of the first class, shall have power, and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such municipal corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city. The board of trustees, common council, or other legislative body, shall meet for such purpose, and shall so ascertain and fix said amount, on the first Monday in August of each year; provided, however, that the provisions of this act shall not apply to or be in force in any city or municipal corporation until its board of trustees, common council, or other legislative body, shall have passed an ordinance electing to avail itself of the provisions of this act, and filed a certified copy of the same with the auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in February of each year; and thereafter all assessments shall be made and taxes collected by the assessor and tax collector of such county until such city or municipal corporation shall, by ordinance, elect not to avail itself of the provisions of this act for any longer time.

Sec. 2. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, except municipal corporations of the first class, shall have power to elect that the duties of the city treasurer of such city or municipal corporation shall be performed by the county treasurer of the county in which such city or municipal corporation is situated; and whenever such board of trustees, common council, or other legislative body shall, by ordinance, so determine, such duties shall be performed by the treasurer of the county in which such city or municipal corporation is situated. A certified copy of such ordinance shall be served on the tax collector and treasurer of such county, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to such city or municipal corporation in the hands of the treasurer.

Sec. 3. The county auditor must, on or before the second Monday in August of each year, transmit to the board of trustees, common council, or other legislative body of such municipal corporation or city within such county, a statement, in writing, showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment books of such county for such year, as equalized and corrected by the board of supervisors of such county.

Sec. 4. Each board of trustees, common council, or other legislative body of such municipal corporation or city shall, on the first Monday in September, fix the rate of taxes, designated in the number of cents upon each hundred dollars, using as a basis the value of the property as assessed by the county assessor, and so returned to such board by the county auditor, as required by section two of this act, which rate of taxation shall be sufficient to raise the amount so fixed by such board, as required in section one of this act, which acts by said board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city board must immediately thereafter transmit to the county auditor of the county in which such muni-

cipal corporation or city is situated a statement of such rate so fixed by such municipal board.

Sec. 5. The auditor must then compute and enter in a separate column in the assessment book, to be headed "City Tax, City of ——" (naming it), the respective sums in dollars and cents to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal board, and the assessed value as found in such assessment book. Such taxes so levied shall be collected at the same time and in the same manner as state and county taxes; and when collected the net amount as ascertained by sections six and seven of this act shall be paid to the treasurer of the municipal corporation or city to which it respectively belongs, under the general requirements and penalties provided by law for the settlement of other taxes; provided, however, that when such city has by ordinance, a certified copy of which has been served upon the tax collector of such county, elected to avail itself of the provisions of section two of this act, then such tax collector shall pay the money belonging to such city or municipal corporation over to the treasurer of the county in which such city or municipal corporation is situated.

Sec. 6. The board of supervisors, on the filing of itemized statements by the county auditor and county tax collector, showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon the minutes, deduct such expenses from the taxes of such municipal corporation or city, while in the hands of the county tax collector, and cover the same into the county salary fund; provided, that not more than one per cent shall be charged for collecting the first twenty-five thousand dollars so collected, and one-fourth of one per cent for all sums over that amount.

Sec. 7. Whenever the board of trustees, common council, or other legislative body of any municipal corporation or city in this state has elected to avail itself of the provisions of section two of this act, the board of supervisors of such county shall also reserve as and for the expenses of the

county treasurer, incurred by reason of the imposing of these duties upon him, the sum of one-fourth of one per cent, which sum shall be deducted from the money collected by the county tax collector, and covered in to the county treasurer into the county salary fund.

Sec. 8. Whenever the board of trustees, common council, or other legislative body of any municipal corporation or city in this state shall have availed itself of the provisions of this act, all duties, other than the assessing of the property of such city or municipal corporation, belonging to the office of the city assessor shall be transferred to and performed by the clerk of such city or municipal corporation; and all duties, other than the collection of taxes, belonging to the office of city tax collector shall be transferred to and be performed by the city marshal or chief of police of such city or municipal corporation, and thereafter the office of city assessor, and city tax collector, and city treasurer may be by ordinance abolished.

Sec. 9. Whenever any real property situate in any city or municipal corporation which has availed itself of the provisions of this act has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned by the county treasurer to such city or municipal corporation in the proportion which the tax due to such city or municipal corporation bears to the total tax for which such real property was sold.

Sec. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act shall take effect immediately.

An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the constitution.

[Approved March 2, 1891; Stats. 1891 p. 22.]

Section 1. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the constitution, shall have power and it shall be their duty to fix, by ordinance, the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city. The board of trustees, common council, or other legislative body shall meet for such purpose, and shall so ascertain and fix said amount, on the first Monday in August of each year; provided, however, that the provisions of this act shall not apply to or be in force in any city or municipal corporation until its board of trustees, common council, or other legislative body shall have passed an ordinance electing to avail itself of the provisions of this act, and filed a certified copy of the same with the auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in March of each year.

Sec. 2. The county auditor must, on or before the third Monday in August of each year, transmit to the board of trustees, common council, or other legislative body of each municipal corporation or city within such county a statement, in writing, showing the total value of all property within each municipal corporation or city, re-

spectively, which value shall be ascertained from the assessment-book of such county for such year as equalized and corrected by the board of supervisors for such county.

Sec. 3. Each board of trustees, common council, or other legislative body of such municipal corporation or city shall, on the first Monday of October, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor and so returned to such board by the county auditor, as required in section two of this act, which rate of taxation shall be sufficient to raise the amount so fixed by such board, as required in section one of this act, which acts by said board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city board must immediately thereafter transmit to the county auditor of the county in which such municipal corporation or city is situated a statement of such rate so fixed by such municipal board.

Sec. 4. The auditor must then compute and enter in a separate column in the assessment-book, to be headed "City Tax, City of ——" (naming it), the respective sums, in dollars and cents, to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal board and the assessed value as found in such assessment-book; such taxes so levied shall be collected at the same time and in the same manner as state and county taxes; and when collected the net amount as ascertained by section five shall be paid to the treasurer of the municipal corporation or city to which it respectively belongs, under the general requirements and penalties provided by law for the settlement of other taxes.

Sec. 5. The board of supervisors, on the filing of itemized statements by the county auditor and county tax collector showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon its minutes, deduct such expenses from the taxes of each municipal corporation or city, while in the

hands of the county tax collector, and cover the same into the county salary fund.

Sec. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

An act in relation to reassessment of property, the equalization of the same, and the collection of taxes thereon, in cases where a former assessment made since eighteen hundred and seventy-nine is illegal or invalid, or where the proceedings for the collection of such taxes have been ineffectual by reason of error, irregularity, or invalidity, and such taxes have not been paid.

[Approved March 23, 1893; Stats. 1893, p. 290.]

Section 1. Every assessment of property made after the year one thousand eight hundred and seventy-nine which is invalid, or may hereafter be adjudged to be, by reason of any illegality, invalidity, or irregularity declared or existing, in the assessment of such property, or in the mode provided for the assessment thereof, shall be remade, and the property reassessed and equalized for each year for which such assessment is invalid as aforesaid, and for the year for which the assessment of such property was invalid as aforesaid, and such reassessment and equalization shall be made by the same officers and boards at the same time or times, as are now prescribed by law for the assessment and equalization of property, of the same classes or kinds as the property which hereby is required to be reassessed. The assessment and equalized assessment of such property shall be entered on the several assessment rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years during which such reassessments shall be made. And there is hereby levied for state purposes the same rates of taxation for each of such respective years as were heretofore levied upon such property for each of said years for said state purposes.

Sec. 2. All taxes for counties, cities and coun-

ties, and other taxing districts, shall be levied by the proper board or boards upon the property mentioned in the first secton of this act, at the same rates for each respective year as were levied upon property for each of said years after the year eighteen hundred and seventy-nine.

Sec. 3. All property authorized to be reassessed by this act shall be reassessed and equalized by the proper officers and boards at the value to which and to the person or corporation to whom or to which such property ought, for each of such years, to have been assessed, under such rules of notice and at the times and in the modes as are prescribed for the assessment and equalization of like classes of property; and the assessment and equalization thereof, and the levy and collection of taxes thereunder, shall be made by the proper officers at the time, upon like notice and in the manner now or hereafter provided by law for making assessments and equalizing the same and for the levy and collection of taxes on like classes of property; and if the taxes so relevied shall become delinquent, there shall be added thereto and the amount thereof the same percentage as a penalty for such delinquency, as is added to other delinquent taxes on like classes of property, and such delinquent taxes and penalties added thereto shall be collected by the proper officers in the manner now or hereafter provided by law for the collection of delinquent taxes and penalties upon like classes of property; the collectors of such taxes to allow as credits thereon all payments heretofore made on the tax as first levied.

Sec. 4. There shall be no limitation or limitations as to the time in which actions for the collections of taxes levied under this act may be commenced, and all the provisions of law now or hereafter provided in respect to assessments, equalization, levy, and collection of taxes shall, where applicable, apply to reassessments equalization, and relevies and collections of taxes made under the provisions of this act.

Sec. 5. This act shall apply to taxes for revenue only, and not to assessments for local improvements or street purposes.

Sec. 6. This act shall take effect and be in force on and after its passage.

An act authorizing the payment of compensation or commission to persons employed by the state controller and attorney-general, or by boards of supervisors of the different counties, to collect delinquent state and county taxes, and legalizing all payments made for that purpose.

[Stat. approved March 26, 1895; Stats. 1895, chap. cv.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. That all sums heretofore paid by the state to any person for compensation or commission to persons for collecting delinquent state and county taxes in pursuance of an agreement by such persons with the state controller and attorney-general for such collections, and all sums heretofore paid by any board of supervisors out of the county treasury as compensation or commissions for collecting such delinquent taxes in pursuance of an agreement by such persons with such boards of supervisors, are hereby approved and legalized.

Sec. 2. This act shall take effect and be in force from and after its passage.

An act to abolish commissions or fees paid by the state for the assessment, equalization, auditing, and collection of ad valorem taxes.

[Approved February 23, 1893; Stats. 1893, p. 5.]

An Act to abolish commissions or fees paid by the state for the assessment, equalization, auditing, and collection of ad valorem taxes.

[Approved March 14, 1899; Stats. 1899, ch. lxxxvi.]

An Act to prevent the maintenance against the state or any officer thereof by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

[Approved February 16, 1899; Stats. 1899, ch. xi.]

An Act prohibiting the payment of money by the state to counties and cities and counties for the collection of taxes.

[Approved March 4, 1899; Stats. 1899; ch. xlvii.]

An act to repeal an act of the legislature of the state of California entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March 18, 1874, and requiring all counties and cities and counties of this state to conform to the requirements of the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes for revenue purposes.

[Stat. approved March 28, 1895; Stats. 1895, chap. ccxvii.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. An act entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March eighteenth, eighteen hundred and seventy-four, is hereby repealed.

Sec. 2. All counties and cities and counties of this state are hereby required to conform to the provisions of the Political Code in relation to the assessment, equalization, levy and collection of taxes on real and personal property for revenue purposes, and all laws now in force in relation to revenue are hereby made applicable to all such counties and cities and counties.

Sec. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 4. This act shall take effect immediately.

An act concerning the assessment of animals.

[Approved March 30, 1872; 1871-2, 754.]

Assessment of animals temporarily pasturing in any county.

Section 1. Whenever any person residing in any county of the state, and owning any neat cattle, horses, mules, sheep, or goats therein, shall drive the same from the county where he resides into any other county, for the purpose of temporarily pasturing the same, all such animals shall be assessed in and for the county where such owner resides, although the said animals shall not be at the time of said assessment in said county in which he may so permanently reside; and such owner shall include such animals in his assessment list, and the assessor of the county where such stock are so temporarily grazed shall list the same, with a full description of each kind and the number of the same; and for the purpose of making such list, the assessor shall have power, and it is hereby made his duty, to examine on oath the person or persons owning or having charge of such cattle, horses, mules, sheep, or goats, touching their number, ownership, and to whom and in what county, if any, they have been assessed for taxation. The list made out as aforesaid by the assessor, together with a full statement of the same, shall be signed and sworn to by the person or persons owning or having in charge such stock.

Duties of assessors and treasurers.

Sec. 2. The assessor shall file a copy of said list of such stock with the county treasurer of his county, and another copy with the treasurer of the county in which the said stock was first listed and assessed for taxation. Upon filing the lists aforesaid, with the sworn statement therein that the stock specified in said lists has been pastured or used in the county mentioned therein during the grazing season, with the treasurer of the county in which it was assessed for taxation, said treasurer shall pay, on the order of the treasurer of the county in which the stock was so pastured or used, one-half of the amount of taxes paid in on the said stock, less the cost of collection.

Sec. 3. All acts or parts of acts in conflict with this act, so far as they are in conflict with this act, are hereby repealed.

Sec. 4. This act shall take effect from and after its passage.

An act to regulate the assessment of migratory herds or bands of livestock, and to provide for an equitable distribution of the taxes derived therefrom.

[Approved March 16, 1874; 1873-4, 376.]

Assessment of migratory stock.

Section 1. Whenever the assessor assesses any livestock, he must demand of the person who gives him a list thereof a statement under oath, showing: first, whether such stock, or any part thereof, will, during the year for which such assessment is being made, be moved to another county for pasturage, and if such removal is to be made; second, the county to which such stock will be taken; and third, the number, kind, and value thereof; provided, that should such person, at the time of assessment, not have determined to remove such stock, and afterwards should make such removal, it shall be lawful for him to make the statement to the assessor of the county from which such stock was removed, as in this section provided, through the United States mail.

[Statement need not be made unless the assessor demand it: People v. Shippee, 53 Cal. 675.]

Duty of assessor.

Sec. 2. The assessor must fully note on his assessment roll, immediately below the description of the property listed to such person: first, the number and kind of stock to be removed; second, the name of the county to which such stock is to be removed; and third, the assessed value of such stock; and within ten days after making the assessment, he must transmit, by mail, to the county treasurer of the county to which such stock is to be taken, a copy of the statement provided for in section one of this act; and the treasurer must enter the same in a book to be kept by him for that purpose, which book shall be known as the assessment roll of migratory stock, and shall be open for inspection.

Collector's account.

Sec. 3. The collector must keep a separate account of all taxes collected upon the property mentioned in this act, which account must in-

clude the names of the persons, description of the property, and the counties to which such stock has been driven, and at the time of his settlement, file such account with the treasurer of his county; and the treasurer must enter the same in a book to be kept by him for that purpose.

Treasurer's duty.

Sec. 4. The treasurer receiving moneys so collected must set apart one-half of the sum collected for county purposes, for the use, respectively, of the different counties to which the stock has been sent for pasturage.

Demand.

Sec. 5. On the first Monday of February in each year the treasurer of each county to which any list provided for in section one has been sent, must make out a demand against the county from which the list came, for one-half of the tax assessed for county purposes, against the property on said list, and must transmit the same to the county treasurer of the county from which the list came, who must pay over to the treasurer making the demand all moneys received in the county treasury, to the use of the county from which the demand came, and which had not been before paid over, accompanied with a duplicate of the statement filed by the tax collector.

How made.

Sec. 6. The demand and payment provided for in the preceding section may be made through any regularly organized express company.

Mark "paid."

Sec. 7. The treasurer receiving money and statement, as provided in the preceding section, must pay the same into the county treasury, and must mark the word "paid" on the assessment roll opposite the name and description of property corresponding with the name and description of property included in such statement.

Examinations by assessor.

Sec. 8. The assessor must make examinations of the property listed in said roll, and must ascertain whether any livestock not on such roll has been sent or brought into his county for pastur-

age, and if he finds any such, must assess it at its full cash value; and in that case the fact that the same property has been assessed in another county for the same year, and that the taxes have been paid in such county, shall be no defense to any proceeding to recover the taxes assessed in the county in which such stock is found, unless it be proved that such person has complied with the provisions of section one of this act, and that the assessor has failed to make the return thereof.

Penalty for failure to make statements.

Sec. 9. Any person who drives, or causes to be driven, any live-stock to another county for pasturage, and fails to make the statement provided for in section one, or who willfully fails to include in such statement the full number or value of stock so sent or driven, shall be liable to a penalty of five hundred dollars, to be recovered in the district court of the county to which said stock is sent or driven; and such suit must be instituted by the district attorney of said county in the name of the people of the state of California, upon the information of any responsible person, and one-half of the penalty recovered must be paid to the person on whose information the suit was instituted.

Misdemeanor.

Sec. 10. Any officer who shall fail, neglect, or refuse to perform the duties required of him by this act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than fifty nor more than five hundred dollars.

Print and transmit.

Sec. 11. The state board of equalization must, immediately after the passage of this act, have it printed, and transmit twenty copies thereof to each assessor in the state.

Sec. 12. This act shall take effect from and after its passage.

The above act was declared unconstitutional and void in People v. Townsend, 56 Cal. 633.

An act supplementary to the foregoing act of March sixteenth, eighteen hundred and seventy-four.

[Approved April 1, 1876; 1875-6, 797.]

Apportionment of assessments.

Section 1. County treasurers to whom a list is sent from the county of Calaveras, under the provisions of the above-mentioned act, shall make out a demand against the treasurer of the county of Calaveras for such a portion of one-half of the tax assessed and collected for county purposes as would have been assessed and collected at the rate of taxation in the county making the demand, had the property been assessed therein.

Sec. 2. This act shall be in full force from and after its passage.

An act in relation to moneys belonging to the state derived from taxes assessed on mortgages.

[Approved March 30, 1872; 1871-2, 762.]

Disposition of moneys.

Section 1. All moneys belonging to the state now in the hands of tax collectors, which were received as taxes on promissory notes secured by mortgage assessed and collected in the years eighteen hundred and seventy and eighteen hundred and seventy-one, and all moneys that may be derived from taxes now delinquent, which were assessed on promissory notes secured by mortgage in the years eighteen hundred and seventy and eighteen hundred and seventy-one, are hereby directed to be retained for the use of the several counties which levied such taxes. The tax collectors of the several counties in which such property was assessed are authorized and required to pay over all such moneys to the county treasurer in the same manner as other taxes are paid.

General fund.

Sec. 2. All moneys which by this act are remitted to the several counties in which such assessments were made shall be placed to the credit of of the general fund.

Sec. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 4. This act shall be in force from and after its passage.

An act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.

[Approved April 23, 1880; 1880, 136 (Ban. ed. 402).]

Form of complaint in action for delinquent taxes.

Section 1. In any action that may be hereafter commenced in any county, or city and county, in this state, for the collection of delinquent taxes for any fiscal year, the complaint may be in the following form, and shall be legally sufficient, and on the trial thereof the duplicate assessment roll for any said fiscal year, of said county, or city or county, or a copy of any entry therein duly certified, showing unpaid taxes against the defendant, or in cases where the defendant is sued in a representative capacity against any person or estate he represents, shall be prima facie evidence of the plaintiff's right to recover:

(Title of court.) (Name of plaintiff) vs. (name of defendant.) Plaintiff avers that defendant is indebted to plaintiff in the sum of $—— (naming the amount for county, or city and county), taxes, with five per cent penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent per month from the (date), and fifty cents costs of advertising. Plaintiff further avers that defendant is indebted to plaintiff in the further sum of $—— (naming amount), for state taxes, with five per cent penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent per month from (date), and fifty cents costs of advertising, which said taxes were duly assessed and levied upon (the real or personal) property of said defendant, to-wit (describe property as assessed), for the fiscal year (naming the year). Wherefore, plaintiff prays judgment against said defendant, for said several sums, with interest and penalty as aforesaid, and costs of suit.

(Signature of attorney.)

And in any case where the defendant is sued in a representative capacity, such other further or additional allegations as may be necessary to charge him in such capacity; and it is further provided, that any county, or city and county, where such taxes are delinquent, may sue in its own name for the recovery of delinquent taxes, whether the same be for county, or city and county, and state purposes, or taxes, or either of them.

Sec. 2. This act shall take effect and be in force from and after its passage.

An act to protect the county treasuries of certain counties.

[Approved March 16, 1874; 1873-4, 393.]

This act provides that the assessors of certain counties should pay the salaries of deputies employed by them.

This act was probably repealed by the County Government Act.

An act approved March 27, 1874; Stats. 1873-4, p. 731, exempting firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou counties from the payment of poll tax was repealed by an act approved March 15, 1876; Stats. 1875-6, p. 287.

TITLE 282.

TEHAMA COUNTY.

A reference to special and local laws affecting Tehama county is contained in Deering's Annotated Penal Code, pp. 722, 723.

See, in addition to those enumerated, an act to amend certain sections of the act incorporating Red Bluff, approved March 17, 1891; Stats. 1891,

TITLE 283.

TELEGRAPH COMPANIES.

Act granting franchise for line between Asia and America: See Stats. 1871-2, 97.

TITLE 284.

THEATERS.

An act making it unlawful to refuse admission to places of amusement.

[Approved March 23, 1893; Stats. 1893, p. 220.]

Section 1. It shall be unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera-house, theater, melodeon, museum, circus, caravan, race-course, fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years who presents a ticket of admission acquired by purchase, and who demands admission to such place: provided, that any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

Sec. 2. Any person who is refused admission to any place of amusement contrary to the provisions of this act is entitled to recover from the proprietor, lessee, or their agents, or from any person, association, corporation, or the directors thereof, his actual damages and one hundred dollars in addition thereto.

Sec. 3. This act shall take effect immediately.

TITLE 285.

THISTLE.

An act to prevent the propagation of the Scotch or Canada thistle in the counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda.

[Approved March 2, 1872; 1871-2, 214.]

Consult Stats. 1871-2, p. 214, for the act.

TITLE 286.

TIA JUANA SUFFERERS.

An act to appropriate the sum of five thousand dollars for the benefit of the sufferers from the Tia Juana flood of the twenty-second of February, 1891, and to provide for its payment to the board of supervisors of San Diego county and its distribution to the sufferers.

[Approved March 31, 1891; Stats. 1891, p. 450.]

The nature of the act appears from the title.

TITLE 287.

TORRENS LAND SYSTEM.

An act to create a special commission for the purpose of examining and reporting to the thirty-first session of the legislature on the Torrens land transfer act of Australia, and making an appropriation therefor.

[Approved March 9, 1893; Stats. 1893, p. 121.]

Section 1. A special commission of five persons, four of whom shall be members of the legal profession, is hereby created for the purpose of examining the methods of land transfer and registration as existing under the Torrens land transfer act of Australia, and of preparing a system

for the state of California in accordance with said act; and of reporting the same, with an opinion thereon, to the thirty-first session of the legislature of the state of California.

Sec. 2. The members of such commission shall be appointed by the governor within twenty days after the passage of this act; and within ten days from such appointment said commissioners shall meet and organize themselves into a board, at the place in which the majority of said commissioners shall have their residences. The members of said commission shall receive no salary.

Sec. 3. The state printer shall print such reports as said commission may make.

Sec. 4. There is hereby appropriated the sum of five hundred dollars ($500) out of any money in the state treasury not otherwise appropriated, for the contingent expenses of said commission, and the state controller shall draw a warrant on the state treasurer for such sum.

Sec. 5. This act shall take effect immediately.

An Act for the certification of land titles and the simplification of the transfer of real estate.

[Stat. approved March 17, 1897; Stats. 1897, chap. cx.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Recorders Ex Officio Registrars.

Section 1. Recorders to be registrars.

Section 1. Recorders and ex officio recorders in the several counties of this state shall be registrars of titles in their respective counties, and their deputies shall be deputy registrars. All laws relative to recorders and their deputies, including their compensation, clerk hire, and expenses, shall extend to registrars and their deputies, so far as the same may be applicable, except as in this act otherwise provided. Registrars of titles shall be county officers within the meaning of the laws of this state.

Section 2. Bonds of Recorders to cover their duties as registrars.

Sec. 2. The official bonds now required by law to be given by recorders and ex officio recorders

before entering upon the discharge of their duties, shall also apply to and cover the faithful discharge of their duties as registrars, whether such additional condition be specifically provided for in such bonds or not.

Section 3. Deputies may act.

Sec. 3. Deputies may perform any and all duties of the registrar, in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar.

Section 4. Registrar and deputy not to practice law.

Sec. 4. Registrars and deputy registrars are prohibited from practicing law, or acting as attorneys or counselors at law, or having as a partner a lawyer or any one who acts as such, or from acting as searchers of title under this act.

Bringing Land under the Act.

Section 5. Application by verified petition; character of applicant; county of application.

Sec. 5. Land may be brought under the operation of this act by the filing with the county clerk of a verified petition to the superior court of the county within which such land is situated, by the owner of any estate or interest in such land, whether legal or equitable (other than an undivided share, or an easement). The clerk shall immediately indorse on such application the exact time of its presentation, and enter the same in a book kept for that purpose and known as the Land Register Docket. Persons who collectively claim to hold the entire legal estate in fee simple may jointly file such petition. A corporation may apply by its authorized agent, an infant by his guardian; any other person under disability by his guardian or trustee. Land constituting a single parcel and lying partly in two or more counties may be included in one application, which may be made in either county in which the land lies, but the certificate issued therefor must be filed with the registrars of all the counties within which such land is situate. Two or more parcels of land may be included in one application if owned by the same person and in the same right.

Section 6. Contents of application.

Sec. 6. The petition shall set forth substantially:

(a) The name, occupation, place of residence, and post-office address of the applicant, and if the application is by one acting in behalf of another, the name, place of residence, post-office address, and capacity of the person so acting, and the nature of the disability of the person for whom he is acting.

(b) Whether the applicant (except in case of a corporation) is married or not, and, if married, the name and residence of the husband or wife.

(c) The description of the land.

(d) The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

(e) Whether the land is occupied or unoccupied, and, if occupied, the name and post-office address of each occupant, and what estate or interest he has or claims in the land.

(f) Whether the land is subject to any easement, lien, or incumbrance, and, if any, the name and post-office address if known of each holder thereof, and the nature and amount of the same, and, if recorded, the book and page of the record.

(g) Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion, or expectancy, and, if any, the name and post-office address if known of every such person, and the nature of his estate or claim.

(h) The names and post-office addresses of all the owners of the adjoining lands, so far as he is able, upon diligent inquiry, to ascertain the same.

(i) If the applicant is a male, that he is of the full age of twenty-one years; if a female, that she is of the full age of eighteen years. If the application is made by a corporation, its name, when and where incorporated, its principal place of business, and the names and post-office addresses of its president and secretary. If the application is by a husband or wife, and the property is community property, the petition must so state, and both spouses must join therein. A plat or plan of survey of the land made by the county or a licensed surveyor must accompany the application, and if said land is a part of a city, town, or subdivision, the application must refer to the book and page of the records of the county where the map of said city, town, or subdivision is recorded, if at all.

Each application must be accompanied by an abstract of the title, verified by the searcher making the same, as required in proceedings in partition, or, if made by a corporation engaged in the business of making and certifying abstracts of title, then in lieu of the affidavit a certificate by such corporation, under its seal, shall be sufficient. When the title to the land in question has been previously determined by a final decree of a court of competent jurisdiction, such abstracts need not antedate such decree unless required by the court in which such application is filed. No person or corporation shall be authorized to make or furnish such abstracts of title until after entering into an undertaking with two or more sufficient sureties to the people of the state of California in a sum not less than ten thousand dollars, which may be increased from time to time by order of the court. Such bonds shall be recorded in the record of official bonds in the recorder's office of the county and then filed in the county clerk's office. Said bond shall be conditioned to pay all damages and costs which the state may sustain by reason of any error or insufficiency in said abstract. The sureties on such bond shall qualify as provided in section ten hundred and fifty-seven of the Code of Civil Procedure, and the sufficiency of the bond and of the sureties thereon shall be approved by a judge of the superior court of the county where such bond is to be filed. The sureties upon such bond may become severally liable in portions of not less than five hundred dollars each, making in the aggregate at least two sureties for the whole sum. Said bond shall be renewed as often, at least, as once in every period of three years.

Section 7. Registration of fee simple must precede all else.

Sec. 7. No mortgage, lien, charge, or lesser estate than a fee simple shall be registered unless the fee simple to the same land is first registered.

Section 8. Registration not to be refused because of incumbrance.

Sec. 8. It shall not be an objection to bringing land under this act, that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien, or charge; but every such

lesser estate, mortgage, lien, or charge shall be noted upon the certificate of title and the duplicate thereof, and the title or interest certified shall be subject only to such estates, mortgages, liens, and charges as are so noted, except as herein provided.

Section 9. No registration based on tax title until after five years adverse possession.

Sec. 9. No title derived through sale for any tax or assessment shall be entitled to be first registered, unless it shall appear to the satisfaction of the court, upon the hearing of the application, that the applicant, or those through whom he claims title, have been in the open, actual, continuous, uninterrupted, undisputed, exclusive, and adverse possession of the land under such title at least five years, and have paid all taxes and assessments legally levied thereon for five successive years.

Section 10. Amendment to application verified.

Sec. 10. The application may be amended only by petition verified as in the case of the original. Such amendment may be ordered by the court on its own motion, or upon the motion of any person interested in the proceeding.

Section 11. Filing of application to be notice to subsequent purchasers.

Sec. 11. The filing of the application in the office of the county clerk shall be sufficient notice of the same to all subsequent purchasers or incumbrancers without the filing of a lis pendens in the office of the recorder.

Section 12. Court to dismiss application, or set it for hearing.

Sec. 12. The court shall, in its discretion, examine the abstract itself, or refer the same, as provided in section eighteen of this act. If it shall appear to the court, from an examination of the abstract, or from the report of the referee, that the title to the land described in the application is substantially as alleged by the applicant, the application shall be set for hearing, otherwise the court may order the application dismissed.

Section 13. Notice of hearing to be given; any one may appear and object; costs.

Sec. 13. When the time and place for hearing the application is fixed by the court, notice thereof shall be given to all parties interested, as shown by the petition and the abstract or referee's report, and to the husband or wife of the applicant, if married, and the owners of adjoining lands, in the same manner as the service of a summons in a civil action, and by publication for at least four weeks, in some newspaper of general circulation, to be designated by the court; provided, that no copy of abstract or map need be served with the petition. Any person interested may appear and object to the granting of the application, and if such objection is sustained, the costs of the same shall be paid by the applicant; if not, by the person so objecting. The time for appearance after service shall be the same as in the case of a civil action.

Section 14. Upon the hearing the court to take evidence on the allegations of petition; and may adjourn hearing.

Sec. 14. Upon the day set for the hearing of the application, or at such time as the same may be continued to, the court shall cause examination to be made into the applicant's title to the land in question, and shall hear testimony as to the allegations of the petition, or of any objections thereto; and if any defects are found in the application, or in the applicant's title to the land, or if any of the allegations of the petition are found to be untrue, or any objections to said petition are sustained, the court may dismiss such application, or may give the applicant such further time as the court may deem reasonable, before finally passing upon his application.

Section 15. Decree setting forth title to be made by court on granting application.

Sec. 15. If it shall be made to appear, to the satisfaction of the court, that the notice required by section thirteen has been duly given and served; that the facts stated in the application are true, and that the applicant is the owner of the land, or interested therein, as set forth in the petition, the court shall duly make, give and enter a decree to that effect, which said decree shall contain an ac-

curate description of the property in question, with a diagram thereof, and also shall set forth all liens and incumbrances on said land, with the name of the holder thereof, and the nature, amount, and order of the same, and, if recorded, the book and page of the record. Any party aggrieved by such decree may appeal therefrom in the manner now or hereafter provided by law for appeals in civil actions.

Section 16. Registrar to issue certificate of title upon filing of certified copy of decree.

Sec. 16. A certified copy of such decree shall be filed in the office of the registrar, who shall thereupon issue a certificate of title to the person entitled thereto as shown by said decree, and shall proceed to bring said land under the operation of this act, as herein provided. Said certificate shall contain the description of the property set forth in the decree, and shall also show the nature, amount, and order of the liens thereon.

Section 17. Decree to be in rem, and conclusive.

Sec. 17. The decree of the court ordering registration shall be in the nature of a decree in rem, and shall be final and conclusive as against the rights of every and all persons, known and unknown, to assert any estate, interest, claim, lien, or demand of any nature or kind whatever, against the land so ordered registered, except as provided in this act.

Section 18. Court to appoint referee; compensation of searcher and of referee.

Sec. 18. Upon the filing of the petition the court may appoint a referee to examine and report upon the abstract accompanying the same. Such referee shall be an attorney in good standing, skilled in the examination of titles, of not less than three years' practice at the bar of the court so appointing him. The compensation of the searcher and of the referee shall be fixed by the court, or agreed upon between themselves and the applicant, and shall be paid by the applicant as a part of the costs of the proceeding.

Section 19. Written opinion of referee to be filed before decree made.

Sec. 19. Whenever such abstract shall be made and such referee appointed, no decree shall be entered by the court until the written opinion of such referee shall be filed in the proceeding, show-

ing the nature of the applicant's title to the land; and if the same is subject to any lesser estate, mortgage, lien, or charge, particularly specifying the same and the priority thereof. The estate of homestead shall be included in the term "lesser estate."

Section 20. Applicant may withdraw application upon payment of fees at any time prior to issuance of certificate of title.

Sec. 20. Any applicant may, upon payment of all fees due, withdraw his application for registration at any time prior to the issuing of a certificate of title; and upon the written request of such applicant and the order of the court, the clerk shall return to the applicant all abstracts of title, deeds, and other instruments, except depositions or affidavits deposited by him for the purpose of supporting his application.

Section 21. On transfer of interest or death of applicant, proceedings may be continued.

Sec. 21. In case of the death or any disability of the applicant, the court, on motion, may allow the proceeding to be continued by or against his representative or successor in interest. In case of any other transfer of interest the proceeding may be continued in the name of the original applicant, or the court may allow the person to whom the transfer is made to be substituted in the proceeding.

Section 22. Registrar to keep record of particulars of issuance.

Sec. 22. The registrar shall immediately, upon the registration of any land, make an entry in a book kept by him for that purpose, showing the name of the person to whom the certificate was issued, its number, the day, hour, and minute of its issuance, the name of the person to whom the duplicate certificate was delivered, and the book and page where the original certificate is entered or recorded.

Section 23. Certificate of title to be in duplicate: its contents; original to be retained by registrar.

Sec. 23. Every first and subsequent certificate of title shall be in duplicate and numbered consecutively and bear date the year, month, day, hour, and minute of its issue, and be under the

hand and official seal of the registrar, one copy of which shall be retained by the registrar and be known as the original, and the other shall be delivered to the owner, or person acting for him, and be known as the duplicate. It shall state whether the owner, except in the case of a corporation, executor, administrator, assignee, or other trustee, is married or not married, and the name of the husband or wife. If the owner is a minor it shall state his age; if under any other disability, the nature of the disability. If issued to an executor or administrator, the certificate shall show the name of the deceased testator or intestate; if to an assignee in insolvency, the name of the insolvent. The registrar shall note at the end of the certificate, original and duplicate, in such manner as to show and preserve their priorities, the particulars of all estates, mortgages, liens, incumbrances, and charges to which the owner's title is subject.

Section 24. Form of certificate.

Sec. 24. No particular form of certificate of title is required, but the same may be, subject to such changes as the case may require, substantially in the following form:

State of California, } ss.
County of ——— ———. }

A. B. (state occupation and residence, giving street and number), State of California (if an administrator, give the name of the deceased; if a minor, give his age: if under other disability, state its nature), married to (name of husband or wife, or if not married so state), is the owner of an estate in fee simple (or as the case may be) in the following land (insert description contained in the decree). Subject, however, to the estates, easements, liens, incumbrances, and charges hereunder noted. (In case of trust, condition, or limitation, say "in trust," or "upon condition," or "with limitation," as the case may be.)

1. Mortgage to C. D. for the sum of $——, dated ———, payable ——— after date, with interest at —— per cent per ——— interest payable ———.

2. Mechanic's lien in favor of X. Y. for $——, filed ———.

3. Assessment for improvement of ——— Street. Amount $——, due ———.

(Any other incumbrances or charges.)

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed, this —— day of ——.

——.

Registrar of Titles in and for the County of ——, State of California.

[Seal.]

Section 25. Tenants in common may receive each a certificate.

Sec. 25. In all cases where two or more persons are entitled as tenants in common to an estate in registered land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

Section 26. Registered owner may consolidate several or divide up one certificate.

Sec. 26. Upon the application of any registered owner of land held under separate certificates of title, or under one certificate, and delivering up of such certificate or certificates of title, the registrar may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land, in accordance with such application, and as far as the same may be done consistently with any regulations at the time being in force, respecting the certificates of land that may be included in one certificate of title; and upon issuing any such certificate of title said registrar shall indorse on the last previous certificate of title of such land so delivered up a memorial, setting forth the occasion of such cancellation and referring to the volume and folium of the new certificate or certificates of title so issued.

Section 27. Certificate may be issued by order of court in lieu of lost duplicate; proceedings therefor.

Sec. 27. In the event of a duplicate certificate of title being lost, mislaid, or destroyed, the owner may apply to the court for an order upon the registrar to issue a certified copy of the original certificate of registration. Upon the hearing of such application, the court may order such notice to be given to such persons, and for such time as it may deem proper. If the court is satisfied that the applicant is the person named in the original

certificate on file in the registrar's office, and that the duplicate certificate has been lost, mislaid, or destroyed, the court shall make an order directing the registrar to issue a certified copy of the original certificate to the applicant. A certified copy of such order shall be filed in the registrar's office, who shall thereupon issue to such applicant a certified copy of the original certificate, with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause, and date of such issue, and shall also mark upon such certified copy: "Owner's certified copy, issued in place of lost (mislaid, or destroyed, as the case may be) certificate," and such certified copy shall stand in the place of, and have like effect, as the missing duplicate certificate. In case of a lost certificate, no transfer of the land shall be made until such certified copy is issued by the registrar. A certified copy of the certificate of title may be issued by the registrar for use as evidence, upon the receipt by him of an order therefor made by the court; provided, that such certified copy shall have written or stamped across the face thereof the words "for use as evidence only." The issuance of such certified copy and the purpose thereof shall also be noted upon the original certificate by the registrar.

Section 28. Change of name or of description to be noted on order of court.

Sec. 28. If an owner's name or description is incorrectly registered, or becomes changed (e. g. by marriage, adoption, divorce, etc.), the court, upon the filing of an application and proof of facts in the manner set forth in section twenty-seven of this act, and the production by the owner of the duplicate certificate, shall order the registrar to issue a new certificate, with such changes as the case may require.

The Register of Titles.

Section 29. Original certificate to be entered in register; memorials to be on latest certificate.

Sec. 29. The registrar shall keep a book, to be known as the "Register of Titles," wherein he shall enter all original certificates of title, in the

order of their numbers, with appropriate blanks for the entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register under the terms of this act shall be entered upon the folium constituted by the last certificate of title of the land to which they relate. Each certificate of title shall be numbered the same as the folium of the register on which the registration of the title of which it is a duplicate, is entered.

Section 30. Receipt to be given for duplicate certificate on its issuance.

Sec. 30. Before the delivery of any duplicate certificate of title, a receipt for it shall be required to be signed by the owner. Where such receipt is signed in the presence of the registrar or a deputy, it shall be witnessed by such officer. If signed elsewhere, it shall be acknowledged before any officer authorized to take acknowledgments of deeds.

Section 31. First registration deemed complete on notation of original entries upon certificates.

Sec. 31. In every case of first registration of land or an estate of interest therein, the same shall be deemed to be registered under this act, when the registrar shall have marked upon the certificate of title, in duplicate, the volume and folium of the register in which the original may be found.

Section 32. Transfer complete on notation upon new certificate; other dealings complete on notation; registration to relate back to filing with registrar.

Sec. 32. Every transfer of registered land shall be deemed to be registered under this act, when the new certificate to the transferee shall have been marked, as in the case of the first registration; and all other dealings shall be considered as registered when the memorial or notation shall have been entered in the register upon the folium constituted by the existing certificate of title of the land. But, for the protection of the transferee or person claiming through any transfer or deal-

ing, the registration shall relate back to the time of filing in the registrar's office the deed, instrument, or notice, pursuant to which the transfer memorial or notation is made.

Section 33. Party aggrieved may bring action against registrar and others.

Sec. 33. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any matter pertaining to the first registration of land, or any subsequent transfer, or charge upon the same, or failing, or neglecting, or refusing to file any instrument, or to enter or cancel any memorial or notation, or to do any other thing required of him by this act, may file a complaint in the superior court making the registrar and other persons, whose interests may be affected, parties defendant, and the court may proceed therein as in other cases, and make such order or decree as shall be according to equity and the purport of this act. A certified copy of such order or decree shall be presented to the registrar, who shall file the same and make such entry thereof as by this act required.

Effect of Registration.

Section 34. In absence of fraud, title to be subject only to noted incumbrances; exceptions.

Sec. 34. The registered owner of any estate or interest in land brought under this act shall, except in case of fraud to which he is a party, or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges, and interests as may be noted in the last certificate of title in the registrar's office, and free from all others, except:

1. Any subsisting lease or agreement for a lease for a period not exceeding one year, where there is actual occupation of the land under lease. The term "lease" shall include a verbal letting.

2. All public highways embraced in the description of the lands included in the certificate.

3. Any subsisting right of way or other easement, however created, upon, over, or in respect of the land.

4. Any tax or special assessment for which a

sale of the land has not been had at the date of the certificate of title.

5. Such right of action or claim as is allowed by this act.

6. Liens, claims, or rights arising under the laws of the United States, which the statutes of California cannot require to appear of record upon the register.

Section 35. No adverse possession after registration possible.

Sec. 35. After land has been registered no title thereto adverse or in derogation to the title of the registered owner shall be acquired by any length of possession.

Section 36. Presumption of good faith in purchaser of registered land.

Sec. 36. Except in case of fraud, and except as herein otherwise provided, no person taking a transfer of registered land, or any estate or interest therein, or of any charge upon the same from the registered owner, shall be held to inquire into the circumstances under which, or the consideration for which, such owner or any previous registered owner was registered, or be affected with notice, actual or constructive, of any unregistered trust, lien, claim, demand, or interest; and the knowledge that any unregistered trust, lien, claim, demand, or interest is in existence shall not of itself be imputed as fraud.

Section 37. Persons defrauded shall not lose rights.

Sec. 37. In case of fraud, any person defrauded shall have all rights and remedies that he would have had if the land were not under the provisions of this act; provided, that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

Section 38. Registration of forged instrument void but title of bona fide owner not affected.

Sec. 38. If a deed or other instrument is registered, which is forged, or executed by a person under legal disability, such registration shall be void; provided, that the title of a registered owner, who has taken bona fide for a valuable

consideration, shall not be affected by reason of his claiming title through some one, the registration of whose right or interest was void, as provided in this section.

Section 39. No unregistered interest shall prevail against bona fide registered owner.

Sec. 39. No unregistered estate, interest, power right, claim, contract, or trust shall prevail against the title of a registered owner taking bona fide for valuable consideration, or of any person bona fide claiming through or under him.

Section 40. In absence of fraud, certificate of title is conclusive evidence in suit for specific performance of contract to purchase.

Sec. 40. In any suit for specific performance brought by a registered owner of any land under the provisions of this act against a person who may have contracted to purchase such land, not having notice of any fraud or other circumstances which, according to the provisions of this act would affect the right of the vendor, the certificate of title of such registered owner shall be held in every court to be conclusive evidence that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described.

Section 41. In ejectment or partition suits, certificate is conclusive evidence.

Sec. 41. In any action or proceeding brought for ejectment, partition, or possession of land, the certificate of title of a registered owner shall be held in every court to be conclusive evidence, except as herein otherwise provided, that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described, and that such registered owner is entitled to the possession of said land.

Section 42. The register to be received as evidence.

Sec. 42. The register of any land, and duly certified copies thereof, shall, except as herein otherwise provided, be received in law and in equity as evidence of the facts therein stated, and as conclusive evidence that the person named therein as owner is entitled to the land for the estate or interests therein specified.

Section 43. Memorial to be noted until cancellation.

Sec. 43. Whenever a memorial has been entered, as permitted by this act, the registrar shall carry the same forward upon all certificates of title until the same is canceled in some manner authorized by this act.

Section 44. Dealings subsequent to first registration subject to act.

Sec. 44. All dealings with land or any estate or interest therein, after the same has been brought under this act, and all liens, incumbrances, and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this act, and to such amendments and alterations as may hereafter be made. The bringing of land under this act shall imply an agreement which shall run with the land, that the same shall be subject to the terms and provisions of the act and of amendments and alterations thereof.

Section 45. Five years' limitation to bringing of action affecting registered land; incompetents to appear.

Sec. 45. No person shall commence any action at law or in equity for the recovery of land, or assert any interest, right in, or lien or demand upon the same, or make entry thereon adversely to the title or interest certified in the first certificate bringing the land under the operation of this act, unless within five years after the first registration. It shall not be an exception to this rule that the person entitled to bring the action or make the entry is an infant, lunatic, or is under any disability, but action may be brought by such person by his next friend or guardian. It shall be the duty of the guardian, if there is any, to bring action in the name of his ward whenever it is necessary to preserve or enforce the ward's rights in registered land; provided, however, before such action shall proceed, it must be made to appear to the court that the person bringing such action, or those under whom he claims, had no actual notice of the proceedings to register such lands in time to appear and file his objections or assert his claim.

Section 46. Action not to affect bona fide purchasers.

Sec. 46. The action provided for in the last preceding section, shall in no way affect or disturb the rights of any person in said land, acquired subsequent to the registration thereof, bona fide and without knowledge, and for a valuable consideration.

Section 47. Claim to arise after expiration of five years preserved by noting memorial; proceedings subsequent.

Sec. 47. Any person having any interest, right, title, lien, or demand, whether vested, contingent, or inchoate, in, to, or upon registered, land which existed at the time the land was first registered, and upon or for which no cause of action shall have accrued at the date of the registration of the land, may, prior to the expiration of said five years after such registration, file in the registrar's office a notice, under oath, setting forth his interest, right, title, lien, or demand, and how and under whom derived, and the character and nature thereof; and if such claim is so filed, an action may be brought to assert or recover or enforce the same at any time within one year after the right of action shall have accrued thereon, or at any time within the period of five years after said first registration, and not afterwards. It shall be the duty of a life tenant or trustee to file such claim on behalf of any remainderman or reversioner, whether the remainder or reversion be at the time vested or contingent, and of a guardian to file such claim on behalf of his ward.

Transfers.

Section 48. Title passes on filing of deed and of duplicate.

Sec. 48. A registered owner of land desiring to transfer his whole estate or interest therein, or some distinct part or parcel thereof, or some undivided interest therein, or to grant out of his estate an estate for life or for a term of not less than ten years, may execute to the intended transferee a deed or instrument of conveyance in any form authorized by law for that purpose. And upon filing such deed or other instrument in the registrar's office and surrendering to the registrar the dupli-

cate certificate of title, the transfer shall be complete and the title so transferred shall vest in the transferee; thereupon, the registrar shall issue in duplicate and register, as hereinbefore provided, a new certificate, certifying the title to the estate or interest in the land desired to be conveyed to be in the transferee, and shall note upon the original and duplicate certificate the date of the transfer, the name of the transferee, and the volume and folium in which the new certificate is registered, and shall stamp across the original and surrendered duplicate certificate the word "canceled," in whole or part, as the case may be.

Section 49. New certificate to issue for remainder, if but a parcel be transferred.

Sec. 49. When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferer, a new certificate shall be issued to him for the part, estate, or interest remaining in him.

Section 50. Time of filing to be noted on instrument.

Sec. 50. The registrar shall mark as filed every deed, mortgage, lease, and other instrument which may be filed in his office, in the order of its receipt, and shall note thereon at the date of filing the minute, hour, day, and year it is received. When the date of filing any instrument is required to be entered upon the register, it shall be the same as that indorsed upon such instrument.

Section 51. Papers filed to be retained.

Sec. 51. All instruments, notices, and papers required or permitted by this act to be filed in the office of the registrar, shall be retained and kept in such office, and shall not be taken therefrom except by a subpoena duces tecum issued to, and served upon the registrar by a court of record. But the registrar, on demand, the proper fee being tendered therefor, shall deliver to any person a copy or copies of such an instrument, with all memoranda, memorials, and indorsements thereon, duly certified under his hand and seal of office. The registrar shall, however, upon all such copies, indorse thereon in writing across the face thereof, in red ink, "copy, no rights conveyed hereby."

Section 52. Such copies to be received in evidence.

Sec. 52. Every copy of original instruments so certified as provided for in the last preceding section, shall be received in all cases in place of the original, and as evidence have the same force and effect as the original instrument.

Section 53. Existing forms of deeds may be used.

Sec. 53. Like forms of deeds, mortgages, leases, and other instruments as are now or may hereafter be sufficient in law for the purpose intended, may be used in dealing with registered land and any estate or interest therein. Such instrument shall give the number of the certificate of title of the land described therein. But an indorsement, duly acknowledged, upon the duplicate certificate of title, substantially in the following form, viz.: "I ——, grant to —— the real property described in this certificate. Witness —— hand —— and seal —— this —— day of ——, ——," shall be sufficient to transfer the property in said certificate described.

Section 54. Name and address to be indorsed on instrument, and notices to be sent there.

Sec. 54. On all instruments presented to the registrar for registration shall be indorsed the name and address of the person so presenting the same, and all notices relating to the land therein described may be served on such person at such address. The address may be changed from time to time by such person filing with the registrar a written notice of such change.

Section 55. Instrument affecting registered land to be but a contract until registered.

Sec. 55. A deed, mortgage, lease, or other instrument purporting to convey, transfer, mortgage, lease, charge, or otherwise deal with registered land, or any estate or interest therein, or charge upon the same, other than a will or a lease not exceeding one year where the land is in the actual possession of the lessee or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the registrar to register the transfer, mortgage, lease, charge, or other dealing upon compliance with the terms of this act. On the filing of such instrument, the

land, estate, interest, or charge shall become transferred, mortgaged, leased, charged, or dealt with according to the purport and terms of the deed, mortgage, lease, or other instrument. The registrar shall immediately, upon the filing of such instrument, stamp or write upon the original and duplicate certificates of title the word "transferred," "mortgaged," "leased," or otherwise, as the case may require, with the date of filing such instrument.

Section 56. Certificate before retransfer, etc., must show freedom from tax sale and homestead.

Sec. 56. No transfer of title to land, or any estate or interest therein, or mortgage, shall be registered, if the last original certificate shows that the land has been sold for any tax or assessment upon which a deed has been given, and that the title is outstanding, or upon which a deed may thereafter be given, or if said certificate shows that the estate of homestead, if any, has not been released or extinguished, unless the transfer or mortgage is intended to be subject to such tax sale or hometsead estate, in which case it shall be so stated in the certificate of title.

Section 57. Certificate to state marriage or representative capacity, if any.

Sec. 57. Every certificate of title to land shall state whether the transferee (except when the latter is a corporation, executor, administrator, or assignee) is married or not married, and if married, the name of the husband or wife. If the transferee be an executor or administrator, the certificate shall give the name of the deceased testator or intestate, and if the transferee be an assignee, the name of the insolvent. The transferee shall furnish the registrar the necessary information before he shall be entitled to have the land transferred to him on the register.

Mortgages, Leases, and Other Charges.

Section 58. Incumbrance on registered land must be registered.

Sec. 58. Every mortgage, lease, contract to sell, or other instrument intended to create a lien, incumbrance, or charge upon registered land, or

any interest therein, shall be deemed to be a charge thereon, and must be registered as hereinafter provided.

Section 59. Incumbrance created on filing of charge.

Sec. 59. On the filing of the instrument intended to create the charge in the registrar's office, and the production of the duplicate certificate of title, and it appearing from the original certificate of title that the person intending to create the charge has the title and right to create such charge, and the person in whose favor the same is sought to be created being entitled by the terms of this act to have the same registered, the registrar shall enter upon the proper folium of the register, and also upon the duplicate certificate, a memorial of the purport thereof, and the date of filing the instrument, with a reference thereto, by its file number, which memorial shall be signed by the registrar. The registrar shall also note upon the instrument on file the volume and folium of the register where the memorial is entered.

Section 60. Trust deed to be treated as a mortgage.

Sec. 60. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and be subject to the same rules as a mortgage.

Section 61. If instrument charging land be in duplicate or more parts, but one need be filed.

Sec. 61. When any mortgage, lease, or other instrument creating or dealing with a charge upon registered land or any estate or interest therein, is in duplicate, triplicate, or more parts, only one of the parts need be filed and kept in the registrar's office; but the registrar shall note upon the register whether the same is in duplicate, triplicate, or as the case may be, and shall also mark upon the others "mortgagee's duplicate," "lessor's duplicate," "lessee's duplicate," or as the case may be, and note upon the same the date of filing and the volume and folium of the register where the memorial is entered, and deliver them to the parties entitled thereto.

Section 62. Certified copies identified as such may be issued.

Sec. 62. When an instrument is not executed

in a sufficient number of parts for the convenience of the parties, the registrar may make and deliver to each of the parties entitled thereto certified copies of the instrument filed in his office, with the indorsements thereon, marking the same "mortgagee's certified copy," "lessor's certified copy," or as the case may be, and shall note upon the register the fact of issuing such copies. Such certified copies shall have the same force and effect and be treated as duplicates.

Section 63. Assignment of charge by filing and noting of same by memorial.

Sec. 63. The holder of any charge upon registered land, desiring to transfer the same or any part thereof, may execute an assignment of the whole or any part thereof. The assignment of a part only must state whether the part transferred is to be given priority, to be deferred, or to rank equally, with the remaining part. Upon such assignment being filed in the office of the registrar, and the production of the duplicate or certified copy of the instrument creating the charge held by the assignor, the registrar shall enter in the register opposite the charge, a memorial of such transfer, and how it ranks, with a reference to the assignment by its file number; he shall also note upon the instrument on file in his office intended to be transferred, and upon the duplicate or certified copy thereof produced, the volume and folium where the memorial is entered, with the date of the entry. The transferee shall be entitled to have a certified copy of the instrument of transfer, with the indorsement thereon, and in case of the transfer of the entire charge, the duplicate or certified copy of the instrument creating the charge.

Section 64. Release of part or whole of charge to be noted as an assignment.

Sec. 64. A release, discharge, or surrender of a charge, or any part thereof, or of any part of the land charged, may be effected in the same way as above provided in the case of a transfer. In case only a part of the charge or of the land is intended to be released, discharged, or surrendered, the entry shall be made accordingly; but when the whole is released, discharged, or surrendered at the same or several times, the registrar shall

stamp across the instrument on file, and the memorial thereof, and the duplicate or certified copy produced, the word "canceled."

Section 65. Charges to be enforced as at present, except as herein provided, and except that notice of lis pendens must be filed with registrar.

Sec. 65. All charges upon registered land, or any estate or interest in the same, may be enforced as now or hereafter allowed by law, and all laws with reference to the foreclosure and release or satisfaction of mortgages shall apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise provided, and except that until notice of the pendency of any suit to enforce or foreclose such charge is filed in the registrar's office, and a memorial thereof entered on the register, the pendency of such suit shall not be notice to the registrar, or any person dealing with the land or any charge thereon.

Attorneys in Fact.

Section 66. Attorney in fact to deal with registered land must file his power.

Sec. 66. Before any person can convey, charge, or otherwise deal with registered land, or any estate or interest therein, as attorney in fact for another, the deed or instrument empowering him so to act shall be filed with the registrar, and a memorial thereof entered upon the original and duplicate certificates. If the attorney shall so desire, the registrar shall deliver to him a certified copy of the power of attorney, with the indorsements thereon. Revocation of a power may be registered in like manner.

Trusts, Conditions, and Limitations.

Section 67. Trusts, etc., to be noted without any of the particulars.

Sec. 67. Whenever a deed or other instrument is filed in the registrar's office for the purpose of effecting a transfer of, or charge upon, registered lands, or any estate or interest therein, and it appears from such instrument that the transfer or charge is to be in trust, or upon any condition or limitation therein expressed, the registrar shall

note in the certificate, and the duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," as the case may be, but no entry shall be made of the particulars of any such trust, conditions, or limitations.

Section 68. Every trustee with express authority, shall have power of sale.

Sec. 68. The trustee or transferee in any such instrument named, if the instrument contains the words "with power of sale," shall have power to deal with the land as the owner thereof; and a bona fide purchaser, mortgagee, or lessee is not bound to inquire into or determine whether or not the acts of such trustee are in accordance with the terms and conditions of the trust. When such power is conferred, the registrar shall note upon the certificate and duplicate thereof the words "with power of sale."

Section 69. No trustee, with limitation, shall sell without order of court to sell.

Sec. 69. If, however, such instrument does not contain the words "with power of sale," such trustee shall have no power to sell or otherwise deal with the land without an order of court so to do, duly given and made, a certified copy of which said order shall be filed with the registrar, and a memorial thereof entered upon the certificate of title, which shall be conclusive evidence as against all persons that the authority of such trustee was duly executed in accordance with the true intent and meaning of the trust, condition, or limitation.

Section 70. Trustee under will shall have power to sell unless it be withheld.

Sec. 70. A trustee under any will admitted to probate, unless such power shall have been expressly withheld by the terms of such will, shall have power to deal with any registered land held by him in trust as fully in every respect as if such lands belonged to him individually.

Estates in Probate, in Insolvency, and in Equity Proceedings.

Section 71. Existing statutes governing probate, insolvency, and equity proceedings, not affected.

Sec. 71. The distribution, transfer, leasing,

mortgaging, or other change in the status of the title of registered land that is within the jurisdiction of any court by reason of the pendency of probate, insolvency, or equity proceedings, shall be made under the same conditions and limitations as now or hereafter provided by the law of this state.

Section 72. Orders of sale, decrees of distribution, etc., to contain direction to registrar.

Sec. 72. The court in its order or decree making such distribution, transfer, leasing, mortgaging, or other change in the status of the title of registered land, shall direct the registrar to issue a certificate of title, or to note a memorial of the transaction, as the case may require, in accordance with such order or decree.

Section 73. Certified copy of order, decree, deed, and confirmation to be filed with registrar.

Sec. 73. The executor, administrator, assignee, receiver, or other person acting under the direction of said court, shall file with the registrar a certified copy of such order or decree, also the deed, lease, mortgage, or other instrument executed in accordance with such order or decree, and also a certified copy of the order or decree confirming such sale, lease, mortgage, or other transaction, when such confirmation is required by law.

Section 74. Order of court necessary for sale of land of insolvent and probate estates; confirmation and issuance of certificates thereof.

Sec. 74. Executors, administrators, and assignees in insolvency shall have no power of sale of lands registered in their names as such, without an order of court obtained for that purpose. Before any certificate can be issued to the purchaser, such sales shall be reported for confirmation to the court under whose authority such executor, administrator, or assignee is acting, and if confirmed a duly certified copy of the order of confirmation shall be filed in the office of the registrar, and a memorial thereof entered upon the certificate of title. Upon the filing of the certified copy of such order of confirmation and the entry of such memorial, the registrar shall issue a certificate to the purchaser at such sale, which certificate, in addition to the usual contents thereof,

shall refer to the said order of confirmation. Such order of confirmation shall be conclusive evidence that the sale was in all respects conducted in accordance with law, and the purchaser shall not be bound to inquire into the regularity of the proceeding, or power of the executor or administrator to make such sale.

Section 75. Power of sale of executor to be noted.

Sec. 75. If a testator, by his will, has provided that the executor thereof shall have a power of sale of real estate, the court shall direct the registrar to register the words "with power of sale," in respect of the land of the deceased, and such executor shall have power to sell such land without an order of court so to do, but such sales must be confirmed by the court in the manner now or hereafter provided by the law of this State, and a duly certified copy of the order of such confirmation shall be filed with the registrar before any certificate of title can be issued to the purchaser of such land.

Section 76. Registrar to issue certificate or note memorial, such to be conclusive.

Sec. 76. Thereupon the registrar shall issue the certificate of title, or note the memorial, as the case may require; and such certificate of title or memorial noted shall be conclusive evidence in favor of all persons thereafter dealing with said land.

Tax Sales.

Section 77. Notice of purchase to be filed and mailed.

Sec. 77. A purchaser of registered land sold for any tax or assessment, shall, within one day after such purchase, file in the office of the registrar a written notice of such purchase. And thereupon the registrar shall enter a memorial thereof upon the certificate of title, and shall mail to each person named in the certificate, or in the memorials thereon, a copy of said notice, a sufficient number of said copies to be furnished to the registrar by said purchaser at the time of filing said notice. In case the State or a municipal corporation becomes the purchaser of land sold for any tax or assessment, the Tax Collector shall, within one day thereafter, file with the registrar a notice to

that effect. And thereupon the registrar shall enter a memorial thereof upon the register, and shall mail notices to interested parties, as in the case of an individual purchaser. Unless such notice is given as herein provided, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance thereof.

Section 78. Tax deed already issued must be registered.

Sec. 78. A tax deed of registered land, or of any estate or interest therein, issued in pursuance of any sale for a tax or assessment made after the taking effect of this act, may be presented by the holder thereof to the registrar, who shall thereupon enter upon the register a memorial of such deed; but such deed, unless the same shall have been issued to the State, shall have only the effect of an agreement for the transfer of the title, and before any certificate of title shall be issued for the land described in such deed, the holder thereof must file with the Clerk of the Superior Court an application for a decree showing the title to said land to be vested in him.

Section 79. Interested persons must be made parties to said application.

Sec. 79. All persons appearing upon the register to be interested in said land, and also the person who appears, by the Tax Collector's books to have paid the tax or assessment last paid before the sale on which the deed is issued, shall be notified; and any person claiming an interest in the land may, upon the hearing of such application, show, as cause why a certificate of title should not issue to the holder of said deed, any fact that might be shown in law or in equity on his behalf to set aside such tax deed, and the applicant shall be required to show affirmatively that all the requirements of the statute to entitle him to a deed have been complied with.

Section 80. Decree shall be given showing condition of title.

Sec. 80. Such application shall be heard by the court, which shall render a decree showing the condition of the title to such land, and who is the owner thereof, and upon presentation to him, of a duly certified copy of such decree, the registrar

shall issue a certificate for said land in accordance with the terms and conditions of said decree.

Section 81. Tax deed to State conclusive.

Sec. 81. In case a tax deed of registered land is issued to the State or any municipal corporation, in pursuance of any sale for a tax or assessment made after the taking effect of this Act, the registrar shall, upon the filing of such deed in his office, cancel the certificate for the land in said deed described, and issue a new certificate to the State therefor.

Section 82. Notice to be personal or by mail and publication.

Sec. 82. The notice required in section eighty shall be given upon all persons residing in the State by personal service, and upon all persons living out of the State by mail and by publication in the manner now or hereafter required by the laws of this State in an action to quiet title. If such personal service be made by a Sheriff or Constable, his certificate, and if by any other person, his affidavit, shall be sufficient proof thereof. In case the place of residence of any person is not known to the registrar or the holder of such deed, notice shall be given by publication in a newspaper of general circulation in the county in which the land is situated, at least once a week for four consecutive weeks. Proof of such publication must be made in the manner now or hereafter required by the laws of this State.

Section 83. On redemption, memorial to be canceled.

Sec. 83. Upon presentation to him of a certificate of redemption from any tax sale, the registrar shall cancel the memorial of said sale upon the certificate of title.

Partition and Judicial Sales.

Section 84. All parties noted on register must be parties.

Sec. 84. In proceedings for partition of registered land, proof must be made that all persons, shown by the register of title to be interested in the land, have been made parties to such proceeding.

Section 85. Decree must be filed before certificate issued.

Sec. 85. On confirmation of the report of the commissioners setting off registered lands in proceedings for partition, it shall be the duty of the parties to whom the lands are allotted, to cause a certified copy of the judgment or decree to be filed with the registrar. Thereupon the registrar shall transfer the same upon the register, and issue certificates of title to the persons entitled thereto, as shown by said decree.

Section 86. When sale ordered, purchaser must file copy of decree.

Sec. 86. Whenever, in proceedings for partition of registered land, the court shall order a sale of such land, and the same is sold under such order, the purchaser shall file with the registrar a certified copy of the order confirming said sale, together with certificate of the officer holding the writ, that the terms of the sale have been complied with. Thereupon, the registrar shall transfer said land upon the register, and issue a certificate of title to the purchaser, therefor.

Section 87. When mortgage on undivided share, lien attaches only to lands set off to mortgagor.

Sec. 87. When a tenant in common has given any mortgage, or granted any other lien or interest upon his undivided interest, and the same is set off in severalty in proceedings for partition, such mortgage, lien, or other interest shall attach only to the lands so set off, and the registrar shall note the same upon a new register of title, and a new certificate of title, and shall indorse a memorandum of the partition upon the instrument creating such lien, mortgage, or other interest, if the same be on file in his office, before a new certificate of title shall be issued therefor.

Section 88. Purchaser at judicial sale must file certified copy of order confirming sale.

Sec. 88. Whenever registered land shall be sold to satisfy any judgment, decree, or order of court, the purchaser shall file with the registrar a duly certified copy of the order of sale, or of the order confirming such sale, when the same needs to be confirmed by the court, and also the certificate, if any, of the officer, that the terms of sale have

been complied with, and thereupon the registrar shall transfer the land to him, and issue a new certificate of title therefor to said purchaser.

Lis Pendens; Notice of Action.

Section 89. Notice to affect registered land must be filed with registrar.

Sec. 89. No suit, bill, or proceeding at law or in equity for any purpose whatever, affecting registered land, or any estate or interest therein, or any charge upon the same, shall be deemed to be lis pendens or notice to any person dealing with the same until notice of the pendency of such suit, bill, or proceeding shall be filed with the registrar and a memorial thereof entered by him upon the register of the last certificate of the title to be affected; provided, however, this section shall not apply to attachment proceedings when the officer making the levy shall file his certificate as hereinafter provided.

Section 90. When suit, etc., dismissed, certificate of dismissal or release must be filed with registrar.

Sec. 90. When any suit, bill, or proceeding affecting registered lands has been dismissed or otherwise disposed of, or any judgment, decree, or order has been satisfied, released, reversed, or modified, or any levy of execution, attachment, or other process has been released, discharged, or otherwise disposed of, it shall be the duty of the Sheriff, or the clerk of the court in which such proceedings were pending, or had, as the case may be, forthwith, under his hand, and, if the clerk, under the seal of the court, to certify to and file with the registrar, an instrument showing such discharge or release. Upon the same being filed, the registrar shall enter a memorial of such discharge on the register. The costs of such certificate and memorial shall be taxed as other costs in the case.

Liens, Executions, Attachments, etc.

Section 91. Certified copy of judgment or decree must be filed.

Sec. 91. No judgment, or decree, or order of any court shall be a lien on or in anywise affect reg-

istered land, or any estate or interest therein, until a certified copy of such judgment, decree, or order, under the hand and official seal of the clerk of the court in which the same is of record, is filed in the office of the registrar, and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

Section 92. Certificate of levy of attachment, or execution, must be filed.

Sec. 92. Whenever registered land is levied upon by virtue of any writ of attachment, execution, or other process, it shall be the duty of the officer making such levy forthwith to file with the registrar a certificate of the fact of such levy, a memorial of which shall be entered upon the register; and no lien shall arise by reason of such levy until the filing of such certificate and the entry in the register of such memorial, any notice thereof, actual or constructive, to the contrary notwithstanding.

Section 93. Notice of mechanics' liens must be filed.

Sec. 93. Notice of liens under the provisions of the mechanics' lien laws of this State shall be filed in the registrar's office, and a memorial thereof entered by him upon the register, as in the case of other charges, and such liens may be enforced as now or hereafter allowed by law. Until such notice is so filed and registered, no lien shall be deemed to have been created.

Section 94. Notice of assessments for street improvements, sewers, etc., must be filed by clerk.

Sec. 94. When in a city, town, or county, an ordinance, resolution, or order is passed or made, to lay out, establish, alter, widen, grade, regrade, relocate, or construct or repair a street, sidewalk, drain or sewer, or to make any other public improvement, or to do any work, the whole or a portion of the expense for which assessments may be made upon real estate, if any registered land or any land included in an application for registration then pending is affected by the Act or proceeding and liable to such assessment, the clerk of the board passing such ordinance, resolution, or order shall, within five days after the passage of

such ordinance, resolution, or order, file in the registrar's office a notice of the passage thereof, and a memorial shall thereupon be noted on the register. In case of the repeal of such ordinance, resolution, or order, the clerk of said board, and in case of the satisfaction of any lien thereunder, the Superintendent of Streets or other officer required by law to collect and receive such assessments, shall, within five days thereafter, notify the registrar, who shall thereupon cancel such memorial.

Section 95. No notice necessary in case of lien for labor performed for corporation not complying with law.

Sec. 95. No statutory or other lien shall be deemed to affect the title to registered land until after a memorial thereof is entered upon the register, as herein provided, except in cases of liens for labor performed for a corporation, as provided in the Act of the Legislature of the State of California, approved March thirty-first, eighteen hundred and ninety-one.

Section 96. Clerk of court may file certificate of dismissal of suit or satisfaction of judgment.

Sec. 96. The certificate of the clerk of the court in which any suit, bill, or proceeding shall have been pending, or any judgment or decree is of record, that such suit, bill, or proceeding has been dismissed or otherwise disposed of, or the judgment, decree, or order has been satisfied, released, reversed, or overruled, or of any Sheriff or other officer that the levy of any execution, attachment, or other process certified by him has been released, discharged, or otherwise disposed of, being filed in the registrar's office and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such suit, bill, proceeding, judgment, decree, or levy, according to the purport of such certificate.

Corrections of Errors in Certificate.

Section 97. No correction of register without order of court.

Sec. 97. After a title has been registered and a certificate issued therefor, or after a memorandum, notation, or memorial has been made on the register of title and has been attested, no cor-

rection, alteration, or erasure shall be made therein or thereof, except in the manner herein provided.

Section 98. Registrar may apply to court for correction of errors or mistakes in certificate.

Sec. 98. Whenever it appears to the registrar that there is an error or omission in any certificate or memorial, or that any certificate or memorial has been made, entered, indorsed, issued, or canceled by mistake, he may apply to the court for an order summoning all persons registered as interested in the lands to which such certificate or memorial relates, to appear at an appointed time and place and produce their duplicate certificates and show cause why such omission or mistake should not be corrected, and shall thereupon enter a memorial of such application on the register.

Section 99. If all parties consent, court may order correction of errors or mistakes.

Sec. 99. If at the time and place appointed all such persons appear and consent, the court may order and direct the registrar to correct any such error, omission, or mistake on the register and on any duplicate certificate, and may direct the cancellation of any certificate or memorial entered by mistake.

Section 100. If all parties do not consent, court may hear testimony as to alleged error or mistake.

Sec. 100. If such persons, or any of them, fail to appear, or do not consent, the court may proceed to hear testimony as to such alleged error, omission, or mistake, and if it appear to the satisfaction of the court that an error, omission, or mistake has been made, he shall order and direct the registrar to correct the same and to cancel or modify such certificates or memorials as may be necessary to correct such error or mistake. When such error or mistake has been caused by the fault or neglect of the registrar, the costs of such proceedings shall be paid by the State; if by the fault of any person registered as interested in such land, by such person. A certified copy of the order of court, directing the correction of any error, omission, or mistake in respect to any certificate or memorial, shall be filed in the regis-

trar's office before such correction shall be entered or made.

Eminent Domain.

Section 101. Right of eminent domain not affected.

Sec. 101. Nothing in this Act shall be construed to in anywise affect or modify the exercise of the right of eminent domain. When any suit or proceeding shall have been brought in the exercise of such right for the taking of registered land, or any interest therein, or to test the validity of any such taking, or to ascertain and establish the amount of damage by reason of any such taking, it shall be the duty of both parties to the proceeding to see that a certified copy of the judgment or decree therein is duly filed and a memorial thereof entered upon the register; but in the case of the assessment of damages, no such memorial shall be entered by the registrar until such damages have been paid, in which event the register shall also show the payment of such damages; provided, however, that the deposit with the treasurer, as allowed by law, of such damages, shall be deemed a payment thereof, and in such case the treasurer shall forthwith file with the registrar a certificate of such deposit, and thereupon a memorial thereof shall be entered upon the register. Upon the filing of the certified copy of the order or decree of the court and the payment of damages, the registrar shall note on the register of title of the owners whose lands have been appropriated, a description of the land so appropriated, and shall register in the name of the person, corporation, or other body entitled thereto, the title of the land taken, and issue a certificate therefor.

Indices.

Section 102. Property indices to be kept.

Sec. 102. The registrar shall keep property indices, the pages of which shall be divided into columns, showing first, the section or subdivision; second, the range or block; third, the township or lot; fourth, any further description necessary to identify the land; fifth, the name of the registered owner; sixth, the volume; and seventh, the page of the register in which the lands are registered.

Section 103. Name indices to be kept.

Sec. 103. He shall also keep name indices, the

pages of which shall be divided into columns, showing in alphabetical order, first, the names of all registered owners and all other persons interested in or holding charges upon registered land; second, the nature of the interest; third, a brief description of the land; fourth, the volume; and fifth, the page of the register in which the lands are registered.

Miscellaneous Provisions.

Section 104. Registered lands may be partitioned.

Sec. 104. An owner of an undivided interest in registered lands may bring an action for the partition thereof. A notice of such action shall, at the time of the commencement thereof, be filed with the registrar and a memorial entered by him upon the register. A certified copy of any judgment or decree rendered in pursuance of such action shall be filed with the registrar, who shall thereupon issue new certificates in accordance therewith.

Section 105. Registration of adverse lien not conclusive of regularity of proceedings or instruments by which created.

Sec. 105. Whenever, under the provisions of this Act, any interest in, or lien, incumbrance, or charge upon registered land, arises adversely to the registered owner without voluntary action by him, and not in pursuance of a judgment or decree of court, such registration shall not be conclusive of the regularity of any proceedings or instruments by means of which such interest, lien, incumbrance, or charge arose, or the validity of the same, and shall have no greater force and effect than would the recording, in case the land were not registered, of an instrument creating a similar interest, lien, incumbrance, or charge.

Section 106. In case of fraud, rights and remedies the same as if land not under this Act.

Sec. 106. In the case of fraud, any person defrauded shall have all rights and remedies that he would have had if the lands were not under the provisions of this Act; provided, that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

Section 107. Clerk of court shall notify registrar of appeal.

Sec. 107. In case of an appeal from any proceeding under this Act, or from any judgment, order, or decree affecting registered lands, the clerk of the court in which the notice of appeal is filed shall forthwith notify the registrar thereof, and thereupon the registrar shall enter upon the register a memorial of such appeal.

Section 108. All fees collected by registrar to be paid to County Treasurer and applied to expenses of administration of this Act.

Sec. 108. All fees collected by the registrar under the provisions of this Act shall be accounted for, paid, disbursed, and disposed of by him in the same manner that fees collected by him as County Recorder are now or may hereafter be by law accounted for, paid, disbursed, and disposed of. Should there be a surplus in any year, such surplus shall be carried into the general fund, and be subject to appropriation for any purpose. In case such fees shall not amount to the sum required for the administration of this Act, the deficiency shall be paid from any funds in the treasury not otherwise appropriated.

Section 109. Board of Supervisors shall furnish registrar all necessary books, etc.

Sec. 109. All books, blanks, papers, and all things necessary for the purpose of carrying out the provisions of this Act, shall be furnished by the Board of Supervisors, at the expense of the county.

Section 110. The Attorney-General, State Controller, and Secretary of State to prepare forms.

Sec. 110. The Attorney-General, State Controller, and Secretary of State shall prepare a uniform system of books, blanks, and forms for the use of the public officers required to perform duties under this Act, and such forms, and none other, shall be used by such officers.

Penalties.

Section 111. Fraudulent procurement of certificate, a felony.

Sec. 111. Whoever fraudulently procures, assists in fraudulently procuring, or is privy to the

fraudulent procurement of any certificate of title or other instrument, or of any entry in the register or other book kept in the registrar's office, or of any erasure or alteration in any entry in any said book, or in any instrument authorized by this act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony, and fined not exceeding five thousand dollars, or be imprisoned not exceeding five years nor less than one year, or either, or both, in the discretion of the court.

Section 112. Forgery of seal, signature, or instrument in registrar's office, a felony.

Sec. 112. Whoever (1) forges, or procures to be forged, or assists in forging the seal of the registrar, or the name, signature, or handwriting of any officer of the registry office in cases where such officer is expressly or impliedly authorized to affix his signature; or (2) fraudulently stamps, or procures to be stamped, or assists in stamping any document with any forged seal of said registrar; or (3) forges, or procures to be forged, or assists in forging the name, signature, or handwriting of any person whomsoever to any instrument which is expressly or impliedly authorized to be signed by such person; or (4) uses any document upon which any impression, or part of the impression, of any seal of said registrar has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, knowing the same to have been forged; or (5) swears falsely concerning any matter or procedure made and done in pursuance of this Act, shall be guilty of a felony, and imprisoned not exceeding ten years, nor less than one year, or fined not exceeding five thousand dollars, or both fined and imprisoned, in the discretion of the court.

Section 113. No proceeding or conviction under this Act shall affect any remedy at law or in equity.

Sec. 113. No proceeding or conviction for any act hereby declared to be a misdemeanor or a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has

committed such act, or against his estate, or against the registrar, or upon his bond.

Fees.

Section 114. Fees same as in similar cases under present laws, except as provided herein.

Sec. 114. First—The fees, in respect of applications and proceedings under them prior to registration, shall be the same as in actions in the Superior Court.

Second—There shall be paid to the registrar:

For issuing a certificate of title, including one duplicate thereof, one dollar and fifty cents.

For each additional duplicate, fifty cents.

For registering each transfer, including the issue and registration of the new certificate, one dollar and fifty cents.

For entry of each memorial on the register, including the indorsement upon the duplicate certificates, one dollar.

For the cancellation of each certificate, memorial, or charge, twenty-five cents.

For each certificate showing condition of register, one dollar and fifty cents.

For filing any instrument, or for a certified copy of the register, or of any instrument or writing on file in his office, the same fees allowed by law to Recorders for like services.

Construction.

Section 115. Act to be liberally construed. Construction of similar legislation elsewhere, not adopted.

Sec. 115. This Act shall be construed liberally so far as may be necessary for the purpose of effecting its general intent, but does not adopt by implication the construction of any similar legislation of other jurisdictions which this Act may to any extent have followed.

Section 116. Act to take effect July 1, 1897.

Sec. 116. This Act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-seven.

TOWN LANDS.

See Public Lands; State Lands.

TITLE 288.

TRADEMARKS.

Act relating to: See Civil Code, Appendix, title "Trademarks," p. 835.

TITLE 289.

TRAINING-SHIP.

An act to establish and maintain a training-ship in the city and county of San Francisco.

[Approved February 15, 1876; 1875-6, 54.]

Consult statutes of 1875-6 for the act.

TITLE 290.

TREASURERS.

Acts relating to: See Political Code, Appendix, title, Treasurers, p. 1066.

Act increasing number of deputies for limited period, approved March 16, 1889; Stats. 1889, p. 303, was repealed March 26, 1895; Stats. 1895, p. 88.

See also an act for the better protection of the state treasury, approved March 30, 1868, and an act amendatory thereof approved March 15, 1895; Stats. 1895, p. 55.

An act for increasing the number of clerks for a limited period, approved March 16, 1889, was repealed March 26, 1895; Stats. 1895, p. 88.

TITLE 291.

TRESPASSING ANIMALS.

See Estrays; Goats; Hogs; Sheep; Stallions.
A collection of these acts will be found in Deering's Annotated Penal Code, p. 725 et seq.

TITLE 292.

TRINITY COUNTY.

References to special acts relating to Trinity County are contained in Deering's Annotated Penal Code, pp. 734, 735.

TITLE 293.

TULARE COUNTY.

References to specal acts relating to Tulare County are contained in Deering's Annotated Penal Code, pp. 735, 736.

TITLE 294.

TUOLUMNE COUNTY.

References to special acts relating to Tuolumne County are contained in Deering's Annotated Penal Code, pp. 737-738.

TITLE 295.

UNINCORPORATED SOCIETIES.

Acts relating to: See Civil Code, Appendix, title, Co-operative Associations, p. 742 et seq.

TITLE 295a.

UNITED STATES FLAG.

Consult: Act to prohibit the desecration of.
[Approved March 2, 1899; Stats. 1899, ch. xliii.]

TITLE 296.

UNITED STATES SENATORS.

An act to ascertain and express the will of the people of the state of California upon the subject of election of United States senators.

[Approved March 10, 1891; Stats. 1891, p. 46.]

Whereas, it is expedient that the wishes of the people of this state upon the subject of the election of United States senators should be unmistakably expressed; therefore, the people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. That thirty days prior to the next general state election, the governor shall issue his proclamation calling upon the electors to signify, at said election, their will as to the method of the election of United States senators, by placing upon the ballots the words "For the election of United States senators by the direct vote of the people," or the words "Against the election of United States senators by the direct vote of the people"; and the inspectors and the judges of election at each and every poll in the state shall ascertain and make returns of the number of votes cast "For the election of United States senators by the direct vote of the people" and the number of votes cast "Against the election of United States senators by the direct vote of the people," in like manner as other votes are required to be counted and returned, and an abstract thereof shall be transmitted by each county clerk in the state to the secretary of state, in the same manner that votes for state officers are now required to be transmitted.

Sec. 2. The secretary of state shall make a complete abstract of the votes given at said election, and certify the same to the governor.

Sec. 3. The governor shall prepare a memorial from the people of the state of California, attested by the secretary of state, with the great seal of state attached, setting forth in brief the question submitted to the electors, and the vote thereon, and send copies thereof to the president and vice president of the United States, to each cabinet minister, senator, member of the house of

representatives, and the governor of each state and territory in the United States of America.

TITLE 297.

UNIVERSITY OF CALIFORNIA.

A collection of the acts relating to the University of California will be found in Deering's Annotated Penal Code, pp. 738-742 and in Deering's Annotated Political Code under sections 1396, 1405 and 1415. In addition, consult the following:

An act to amend an act entitled "An act to create and organize the University of California," approved March 23, 1868, and an act amendatory of section twenty-five thereof, approved March 28, 1872, relating to the construction of buildings.

[Approved March 3, 1897, p. 65.]

An act to grant to the regents of the University of California the north one-half of section sixteen, township seven south, of range three east, Mount Diablo meridian, and authorize the exchange thereof.

[Approved March 16, 1889; 1889, 229.]

An Act to amend the title to an act entitled "An act to provide for the payment of interest on the outstanding bonds of the state of California, held in trust for university fund and the state school fund; to repeal an act of the legislature of the state of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the university of California for money heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other state purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893; to amend section four of the same act, and to ap-

propriate the sum of $16,747.50, now in the university fund and available.
[Approved March 11, 1899; Stats. 1899, ch. lxxvii.]

An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.
[Stat. approved February 27, 1897; Stats. 1897, chap. xlviii.]

An act to appropriate one hundred and twenty-five thousand dollars for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.
[Stat. approved February 23, 1897; Stats. 1897, chap. xvii.]

An Act to authorize the insurance of all property of the university of California held for purposes of income against damages or loss.
[Approved March 20, 1899; Stats. 1899, ch. cxix.]

TITLE 298.

VENTURA.

An act to create the county of Ventura, to establish the boundaries thereof, and to provide for its organization.
[Approved March 22, 1872; 1871-2, 484.]

Reference to other special acts relating to Ventura County are contained in Deering's Annotated Penal Code, p. 742.

TITLE 299.

VETERANS' HOME ASSOCIATION.

See, also, Aged Persons; Soldiers and Sailors.

Consult the following statutes:

An act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association.

[Approved March 7, 1883; 1883, 55.]

Acts amendatory of this act were approved Feb. 28, 1887; Stats. 1887, p. 6, and March 23, 1893; Stats. of 1893, p. 214, and March 20, 1899; Stats. 1899, ch. 111.

See, also, an act authorizing associated veterans of Mexican war to exchange lands; Stats. 1871-2, 363.

An act amending the same; Stats. 1881, 66.

An act to appropriate the sum of fifty thousand dollars for the erection, completion, and furnishing of buildings, laundry, and bath-house, and for improvements of the grounds, heating and cooking apparatus, and water supply at the veterans' home, situate in Napa county, under the auspices of the veterans' home association of the state of California.

[Approved March 24, 1893; Stats. 1893, p. 339.]

The title expresses the purport of the act.

An act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the veterans' home, under the auspices of the veterans' home association, and for the completion of the principal building already in use, and to improve the water supply of said home.

[Approved February 28, 1887; 1887, 7.]

The title expresses the purport of the act.

An act to enable any county, city and county, city, or town to lease property to any association of veteran soldiers, sailors, or marines.

[Stat. approved March 11, 1897; Stats. 1897, chap. cili.]

An act to authorize the directors of the veterans' home association to exchange certain lands in the city and county of San Francisco for certain other property belonging to said city and county, or for a lease of said property.

[Approved March 20, 1891; Stats. 1891, p. 184.]

An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the state of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

[Stat. approved March 11, 1897; Stats. 1897, chap. ci.]

Also an act of March 8, 1895, authorizing the state treasurer to pay over to the treasurer of the Home Association moneys received under act of Congress, Stats. 1895, p. 26.

TITLE 300.

VETERINARY SURGERY.

An act entitled an act to regulate the practice of veterinary medicine and surgery in the state of California.

[Approved March 23, 1893; Stats. 1893, p. 286.]

Section 1. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in any city, city and county, or town in this state, having a population of two (2) thousand or more, without having previously obtained a diploma from a college duly authorized to grant such students in veterinary medicine and surgery, or to those who have passed satisfactory examinations before the state veterinary medical board, as hereinafter provided for.

Sec. 2. 1. This board of examiners shall be known as the state veterinary medical board, and shall consist of five duly qualified practitioners in

veterinary medicine and surgery, whose duty it shall be to carry out the purposes and enforce the provisions of this act.

2. The members of the state veterinary medical board shall be appointed by the governor of the state.

3. The board so appointed shall hold their offices for four (4) years, and the compensation of each member of said state veterinary medical board shall be five dollars per diem, exclusive of all necessary expenses while actually engaged in the duty of their office at the meetings of said board.

4. A meeting of the state veterinary medical board shall be held at least once in every six months after the appointment of said board by the governor of the state of California, such meetings to be held alternately in San Francisco and Los Angeles.

5. Three members of the state veterinary medical board shall constitute a quorum.

6. Said compensation to be paid out of the fees and penalties received under the provisions of this act, and no part of the salary or other expenses of the state veterinary medical board shall be paid out of the state treasury.

7. All moneys received by said state veterinary medical board as such fees and penalties, in excess of the compensation and expense of the state veterinary medical board, shall be annually paid into the state treasury, and become a part of the general fund of the state.

Sec. 3. 1. Said state veterinary medical board shall examine all diplomas as to their genuineness. Each applicant not holding a diploma shall submit to a theoretical and practical examination before the state veterinary medical board; said examination to be written or oral, or both, and sufficiently strict to satisfy said board that the applicant is competent to practice veterinary medicine and surgery.

2. An examination fee of five dollars shall be paid to the state veterinary medical board by the holder of a diploma, and ten dollars by an applicant not holding a diploma; said money shall be paid by the applicant before examination.

3. In case of failure of approval, said fee shall be forfeited to the state veterinary medical board.

Sec. 4. All examinations of persons not graduates shall be made directly by the state veterinary medical board, and the certificates given by said board shall authorize the possessor to practice veterinary medicine and surgery in the state of California. All examinations of ungraduated practitioners must take effect before the thirty-first day of December, eighteen hundred and ninety-three. After that date no certificate shall be granted, except to persons presenting diplomas from legally chartered colleges.

Sec. 5. Upon the approval of credentials, or upon approval of the examination of an applicant, said state veterinary medical board shall grant him or her a license to practice in this state, and shall receive therefor a fee of five dollars; said license shall be signed by a majority of the board.

Sec. 6. Any person qualified as required by this act shall, upon receipt of his license to practice, have said license prominently displayed in his office, and a true copy thereof shall be filed in the office of the clerk of the county in which he resides. Any person removing to another county to practice shall file the license in like manner in the county to which he removes. The holder shall pay to the county clerk the usual fees for filing. Any person holding such license who shall refuse or neglect to prominently display in his office, or file a copy of the same with the county clerk, as above directed, within six months after receiving such license shall forfeit his license; and no license when once forfeited shall be restored to the original holder except on the payment to said state veterinary medical board of the sum of twenty-five dollars, as a penalty for such failure, neglect, or refusal.

Sec. 7. Any person shall be regarded as practicing veterinary medicine and surgery, within the meaning of this act, who shall have received a license as mentioned in section five. But nothing in this act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor prevent any person from practicing veterinary medicine or surgery on any animal belonging to himself or herself. And this act shall not apply to commissioned veterinary surgeons in the United States army.

Sec. 8. Any person practicing veterinary medicine or surgery in this state contrary to the provisions of this act shall be guilty of a misdemeanor, the penalty of which shall be a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or by imprisonment of not exceeding six (6) months, or by both.

Sec. 9. This act shall take effect sixty days from and after its passage.

TITLE 301.

VITICULTURE.

See Agriculture; Forestry; Fruit-trees and Vines.

A collection of acts relating to Viticulture can be found in Deering's Annotated Penal Code, p. 744 et seq.

An act repealing acts relating to viticulture and transferring the property to the State University was approved March 27, 1895; Stats. 1895, p. 235.

TITLE 302.

WAREHOUSES.

Act relating to: See Civil Code, Appendix, title Warehouses and Wharfingers, p. 839.

TITLE 303.

WATER COMMISSIONERS.

The Political Code, sec. 19, continued in force all acts creating or regulating boards of water commissioners and overseers in the several townships or counties of the state.

A collection of the laws is contained in Deering's Annotated Penal Code, p. 750 et seq.

TITLE 304.

WATER COMPANIES.

Acts relating to: See Civil Code, Appendix, title, Water Companies, p. 843, et seq.

An act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town to obtain data and information, from any corporation, company, or person supplying water to such city and county, city, or town, requiring such boards, town council, or other legislative body to perform the duties prescribed by section one of article fourteen of the constitution, and prescribing penalties for the non-performance of such duties.

[Approved March 7, 1881; Stats. 1881, 54.]

Municipal corporations to fix water rates.

Section 1. The board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, are hereby authorized and empowered, and it is made their official duty, to annually fix the rates that shall be charged and collected by any person, company, association, or corporation, for water furnished to any such city or county, or city, or town, or the inhabitants thereof. Such rates shall be fixed at a regular or special session of such board or other legislative body, held during the month of February of each year, and shall take effect on the first day of July thereafter, and shall continue in full force and effect for the term of one year, and no longer.

Annual statements to be made by water companies, etc.

Sec. 2. The board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, are hereby authorized, and it is hereby made their duty, at least thirty days prior to the fifteenth day of January of each year, to require, by ordinance of otherwise any corporation, company, or person sup-

plying water to such city and county, city, or town, or to the inhabitants thereof, to furnish to such board, or other governing body, in the month of January in each year, a detailed statement, verified by the oath of the president and secretary of such corporation or company, or of such person, as the case may be, showing the name of such water-rate payer, his or her place of residence, and the amount paid for water by each of such water-rate payers, during the year preceding the date of such statement, and also showing all revenue derived from all sources, and an itemized statement of expenditures made for supplying water during said time.

Additional statement.

Sec. 3. Accompanying the first statement made as prescribed in section two of this act, every such corporation, company, or person shall furnish a detailed statement, verified in like manner as the statement mentioned in section two hereof, showing the amount of money actually expended annually, since commencing business, in the purchase, construction, and maintenance, respectively, of the property necessary to the carrying on of its business, and also the gross cash receipts annually, for the same period, from all sources.

Refusal to make statement a misdemeanor.

Sec. 4. Every corporation, company, or person who shall refuse or neglect to furnish the statements mentioned in sections two and three of this act, or either of them, or who shall furnish any false statement in relation thereto, within thirty days after having been required or requested to furnish the same as prescribed in sections one, two, and three of this act, shall be deemed guilty of a misdemeanor.

Copy of statement to be filed.

Sec. 5. Upon receiving the statements provided for in sections two and three of this act, the board of supervisors, town council, board of aldermen, or other legislative body, shall cause a copy thereof to be made and filed in the office of the county recorder of such city and county, or of the county wherein such city or town is situated.

Rates to be equal.

Sec. 6. Rates for the furnishing of water shall

be equal and uniform. There shall be no discriminations made between persons, or between persons and corporations, or as to the use of water for private and domestic, and public or municipal purposes; provided, that nothing herein shall be so construed as to allow any person, company, association, or corporation to charge any person, corporation, or association anything for water furnished them when, by any present law, such water is free.

Excess in charging rates, forfeits franchise, etc.

Sec. 7. Any person, company, association, or corporation charging, or attempting to collect from the persons, corporations, or municipalities using water, any sum in excess of the rate fixed as hereinbefore designated, shall, upon the complaint of said board of supervisors, town council, board of aldermen, or other legislative body thereof, or of any water-rate payer, and upon conviction before any court of competent jurisdiction, shall forfeit the franchises and water-works of such person, company, association, or corporation to the city and county, city or town, wherein the said water is furnished and used.

Penalty to supervisors neglecting to enforce act.

Sec. 8. Any board of supervisors or other legislative body of any city and county, city or town which shall fail or refuse to perform any of the duties prescribed by this act, at the time and in the manner hereinbefore specified, shall be deemed guilty of malfeasance in office, and upon conviction thereof, at the suit of any interested party, in any court of competent jurisdiction shall be removed from office.

Sec. 9. This act shall take effect and be in force from and after the date of its passage.

TITLE 305.

WATERS.

San Joaquin river, act to improve navigation of. [Stats. 1865-6, p. 536.]

San Joaquin river, act concerning survey of outlet of. [Stats. 1867-8, p. 91.]

An act declaring the San Joaquin river and the Stockton slough navigable from and to certain points herein named.
[Approved February 21, 1872; 1871-2, 117.]

An act declaring a certain creek in Washington township, Alameda county, navigable.
[Approved March 8, 1872; 1871-2, 307.]

An act to declare Lake Earl in Del Norte county navigable.
[Approved February 4, 1874; 1873-4, 59.]

An act declaring Alameda creek, in the county of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.
[Approved March 7, 1874; 1873-4, 308.]

An act declaring the Moro Cojo slough navigable.
[Approved March 30, 1874; 1873-4, 790.]

An act declaring Gallinas slough, or creek, in Marin county, navigable.
[Approved March 25, 1876; 1875-6, 485.]

An act declaring Sonoma river, in Sonoma county, navigable.
[Approved February 11, 1878; 1877-8, 72.]

An act to declare Clear lake, in Lake county, navigable.
[Approved March 29, 1878; 1877-8, 630.]

An act to declare Smith river, in Del Norte county, navigable.
[Approved March 30, 1878; 1877-8, 799.]

Alameda county, navigable streams in. [Stats. 1867-8, pp. 486, 680.]

Arroyo del Medo, act declaring Arroyo del Medo, in Santa Clara county, navigable. [Stats. 1852, p. 223.]

Arroyo del San Antonio (Keys creek), declared navigable. [Stats. 1860, p. 126; 1873-4, p. 564.]

Cache creek, act granting right to open channel. [Stats. 1858, p. 303.]

Diablo creek, declared navigable. [Stats. 1858, p. 127.]

Feather river, act concerning survey of outlet of. [Stats. 1867-8, p. 91.]

Islais creek, declared navigable. [Stats. 1867-8, p. 356.]

Kings river, amending act for improvement of and erecting booms therein. [Stats. 1877-8, p. 961.]

Kings river, improvement of. [Stats. 1871-2, p. 422; 1875-6, p. 499.]

Little Truckee river, improvement of. [Stats. 1871-2, p. 70.]

Mad river, act to improve. [Stats. 1877-8, p. 788.]

Marin county, act declaring certain creeks navigable. [Stats. 1861, p. 469; 1869-70, p. 663.]

Mission creek, declared navigable. [Stats. 1854, p. 18.]

Mormon slough, widened. [Stats. 1871-2, p. 540.]

Navarro river, improvement of. [Stats. 1859, p. 325.]

Novato creek, declared navigable. [Stats. 1860, p. 257.]

Nueces creek, declared navigable. [Stats. 1858, p. 127.]

Petaluma creek, act concerning improvement of. [Stats. 1865-6, p. 487.]

Mokelumne river, act to improve navigation of. [Stats. 1863-4, p. 417.]

An act to declare the Mokelumne river navigable. [Approved April 8, 1880; 1880, 22 (Ban. ed. 115).]

An act to declare the Klamath river navigable. [Approved April 23, 1880; 1880, 136 (Ban. ed. 402).]

Sacramento river, cleaning and deepening of. [Stats. 1865-6, p. 301.]

Sacramento river, act concerning survey of outlet of. [Stats. 1867-8, p. 91.]

Salinas river, declared navigable. [Stats. 1861, p. 49.]

San Antonio creek, act to improve navigation of. [Stats. 1859, p. 327.]

San Antonio creek, act providing for opening channel across bar at mouth of. [Stats. 1860, p. 162; 1861, p. 20.]

Stanislaus river, act to provide for improvement of. [Stats. 1867-8, p. 684.]

Walnut creek, act improving navigation of. [Stats. 1867-8, p. 484.]

Warm Springs creek, declared navigable. [Stats. 1871-2, p. 307.]

An act to provide for the location of tow-paths along the banks of navigable streams.

[Approved April 1, 1872; 1871-2, 940.]

Authority given.

Section 1. The board of supervisors of each county in the state may, when public convenience for the purpose of commerce requires it, cause to be located and opened a tow-path, not exceeding ten feet in width, along the bank or banks of any navigable stream within the county.

Viewers.

Sec. 2. In order to locate and open such tow-path, the same proceedings in regard to petition, viewers, etc., shall be taken as are now by law required to be taken in the respective counties of this state for the purpose of locating and opening public roads and highways.

Water frontage.

Sec. 3. The owner or owners of any land over which a tow-path shall be located and opened

shall not be deprived of the water frontage nor of the free use and enjoyment of any land so located, subject only to the right of the public to use the same for the purposes of commerce.

Fences.

Sec. 4. It shall not be necessary to construct or maintain fences on either side of any tow-path so located, but the board of supervisors may make all necessary rules and regulations for the government and management of tow-paths, and may provide for the erection of gates thereon and for the full and complete protection of the property through which the same passes.

Sec. 5. This act shall take effect from and after its passage.

An act to authorize the board of supervisors of the several counties in this state to grant franchises and privileges to corporations, associations, or individuals.

[Approved March 3, 1881; Stats. 1881, 25.]

Privileges to construct booms.

Section 1. The board of supervisors of any of the counties of this state are hereby authorized and empowered to grant the privilege of constructing booms for the purpose of holding logs and timber to companies, corporations, or individuals, and to prescribe the conditions on which the same shall be maintained, and the prices which may be charged for the use of the same.

Sec. 2. This act will be in force from and after its passage, provided that navigation shall not be interfered with thereby.

An act authorizing the boards of supervisors of the several counties of this state to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

[Approved March 7, 1889; Stats. 1889, p. 85.]

Boards of supervisors may declare innavigable streams public highways for certain purposes.

Section 1. Upon application of any individual,

association, or corporation interested, the board of supervisors of any county of this state may, by ordinance, declare all or any portion of any river or stream lying within the county which has not been declared by law to be navigable, and which is not in fact navigable for commercial purposes, to be a public highway for the floating and transportation of logs, timber, and lumber, and the same shall thereupon become and be a public highways for such purpose, subject only to the reservations hereinafter contained; and the board may also, at the same time or at any time thereafter, direct the widening, deepening, straightening, removing obstructions from, building of dams and booms in, and otherwise improving such streams as may be necessary to render the same fit and suitable for the purpose intended, and enter into contracts for the performance of such work according to law.

Purchase or condemnation of lands by boards of supervisors.

Sec. 2. In case any owner of land adjacent to or across which such stream flows does not consent to the use of the stream for such purpose, and the making of the improvements directed, with the right to pass along the banks of the stream for the purpose of doing the work, and keeping the same in repair, and properly superintending and managing the use of such highway for the purpose intended, and the taking, at a fair rate of compensation, of such timber and other materials along the bed and banks of the stream as may be necessary for the construction and repair of the improvements, and grant the same to the county by suitable instrument in writing, on application, the board of supervisors may contract for and purchase any or all of such rights; or if the same cannot be purchased at a satisfactory price, may authorize proceedings to be commenced in the name of the county to condemn and procure the same in the manner directed by title seven, part three, of the Code of Civil Procedure.

Right of supervisors to contract to lease such highway.

Sec. 3. Instead of itself securing the various rights and making the improvements necessary,

the board may enter into a contract with any corporation, association, or individual, leasing the use of such highway, with the right to collect tolls for the rafting, floating, and booming of logs, timber, and lumber thereon, at rates of toll for transporting and for booming to be fixed by the board for a period of years from the completion of the work to be fixed by the board, in consideration of an agreement in such contract to be contained that the lessee will secure the right of way, and other necessary rights, from land owners, and make all improvements necessary for the successful carrying on of the business and use of the stream for the purpose intended, without any expense to the county, and keep the same in good repair during the period of such lease.

Bonds of lessee.

Sec. 4. Within twenty days from the making of such contract, and before the same shall go into effect, the lessee shall enter into a bond in such sum as may be fixed by the board, and with sureties approved by the board, conditioned for the faithful performance of the covenants and agreements on the part of the lessee in such contract contained.

Power of lessee to condemn and secure right of way.

Sec. 5. Such lessee shall have power to proceed in the name of the county to condemn and secure the right of way, and other rights and privileges referred to in section two of this act, in the manner directed by the provisions of title seven, part three, of the Code of Civil Procedure.

Privileges of lessee.

Sec. 6. Such lessee during the term of such lease shall receive and float, or allow to be floated, in such stream, all floatable logs, timber, and lumber that may be offered for transportation therein by any person; provided the same be plainly marked with a distinctive mark, and shall have the right to charge and collect for its own use tolls therefor, and for booming the same, at rates fixed by the board of supervisors and inserted in the lease, and shall have a lien thereon

for such tolls, which may be enforced in the manner provided in section three thousand and fifty-two of the Code of Civil Procedure.

Duty of lessee on expiration of lease.

Sec. 7. Upon expiration of the lease, such lessee shall turn the property, with all improvements, over to the county in good repair.

Construction of act.

Sec. 8. This act shall not be construed as repealing any existing law of this state upon the subject to which it relates, not inconsistent with its provisions.

Sec. 9. This act shall take effect from and after its passage.

An act to provide for the appointment of an examining commission on rivers and harbors, defining their duties and powers, and prescribing their compensation.

[Approved March 19, 1889; Stats. 1889, p. 420.]

Appointment of engineers.

Section 1. The governor of the state, within thirty days after the passage of this act, shall appoint three competent engineers in good standing in their profession, to be known and called the examining commission on rivers and harbors. The persons so appointed shall hold office until the first day of January, eighteen hundred and ninety-one. In case any vacancy may arise in such commission from any cause, the governor shall immediately fill such vacancy by appointment.

Oath of office.

Sec. 2. Each of said commissioners shall, before entering upon the discharge of his duties, take and subscribe an oath of office. The said commission shall organize by electing a president and secretary.

Duty of commission.

Sec. 3. The said commission shall make a full and careful examination into the condition of the Sacramento and San Joaquin rivers, and such other rivers and streams as they may select for that purpose. They shall determine what

steps are necessary for the rectification and improvement of such rivers and streams, and shall make, or cause to be made, all such necessary and proper surveys, examinations, maps, designs, drawings, estimates, specifications, and exhibits as will enable the congress of the United States to clearly understand the condition of such rivers, and the cost and expense of properly rectifying and improving the same. The said commission shall, whenever requested by the governor, also make an examination for a similar purpose into such harbors as they may be so required to examine. Said commission shall have power to employ such persons at such compensation as they may deem proper, as surveyors or assistants in any of the work herein above specified.

Report of.

Sec. 4. The said commission shall make a full report on or before the first day of October, eighteen hundred and ninety, to the governor, on the matters herein specified, which said report shall be in such form and contain such calculations, specifications, and estimates as that it may be to congress as the basis of an appropriation by congress for the improvement of the Sacramento and San Joaquin rivers, and other navigable streams of the state, and of such bays and harbors as may have been examined by said commission as herein provided. The superintendent of state printing shall print and publish as many copies of said report and exhibits as may be ordered by the governor.

Salaries.

Sec. 5. Each member of the said commission shall receive a salary of two thousand four hundred dollars per annum, payable monthly, and his traveling expenses while engaged in the performance of official duties. Said salary and expenses to be paid out of any money in the state treasury not otherwise appropriated.

Sec. 6. This act shall take effect and be in force from and after its passage.

TITLE 306.

WEIGHTS AND MEASURES.

An act to establish a standard of weights and measures.

[Approved April 6, 1891; Stats. 1891, p. 487.]

Consult statutes of 1891 for the act.

TITLE 307.

WHARFINGERS.

Act relating to: See Civil Code, Appendix, title, Warehouses and Wharfingers, p, 839.

TITLE 308.

WHARVES.

The Political Code, secs. 2906 et seq., 2520 et seq., and 2567 et seq., seems to have superseded the old legislation on the subject of wharves. See, however, a special act in relation to a portion of Contra Costa county. It is entitled "An act concerning public wharves," approved March 28, 1872; 1871-2, 657. This act authorizes the owners or occupants of lands on the San Joaquin river, between its junction with the Sacramento and the eastern boundary of the county, to erect and maintain free wharves.

WILD ANIMALS.

See Game.

TITLE 309.

WILMINGTON.

An act to repeal an act entitled "An act to incorporate the town of Wilmington, in the county of Los Angeles, in the state of California," approved February 20, 1872.

[Approved March 12, 1887; 1887, 108.]

The purport of the act appears from the title. It took effect from its passage.

An act to repeal an act entitled "An act to amend an act entitled 'An act to incorporate the town of Wilmington, in the county of Los Angeles, in the state of California,' approved February twentieth, eighteen hundred and seventy-two," approved March 21, 1872.

[Approved March 12, 1887; 1887, 109.]

The purport of the act appears from the title. It took effect from its passage.

TITLE 310.

WOMAN'S RELIEF CORPS.

An act to assist the Woman's Relief Corps Home Association to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.

[Stat. approved April 1, 1897; Stats. 1897; chap. cclxxiv.]

Consult statutes of 1897 for the act.

An act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses residing at Evergreen, in the county of Santa Clara, at the home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

[Stat. approved April 1, 1897; Stats. 1897, chap. cclxxiii.]

The act appropriated $3,000 for the purpose indicated.

TITLE 311.

WORLD'S EXHIBITION.

An act to enable the state of California to make a proper exhibition of her material resources at the world's exposition at New Orleans.

[Approved February 10, 1885; 1885, 2.]

The act appropriated $10,000 for the purpose indicated.

An act appropriating money to pay the expenses of maintaining an exhibit of the products of the state of California at the world's Columbian exposition, to be held in Chicago in eighteen hundred and ninety-three, and to provide for the commissioners thereof.

[Approved March 6, 1891; Stats. 1891, p. 24.]

An act to provide for the preparation, printing, and distribution of a volume expository of the resources of California, at the world's Columbian exposition at Chicago, and appropriating money therefor.

[Approved March 11, 1893; Stats. 1893, p. 149.]

An act appropriating money to pay the expense of transporting, insuring, and installing of a California's exhibit in the woman's building of the world's Columbian exposition.

[Approved March 11, 1893; Stats. 1893, p. 149.]

TITLE 312.

YOLO COUNTY.

References to special acts relating to Yolo county are contained in Deering's Annotated Penal Code, pp. 754 and 755.

TITLE 313.

YOSEMITE VALLEY.

An act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa in Mariposa county, to the Yosemite valley.

[Approved March 26, 1895; Stats. 1895, p. 87.]

Fifty thousand dollars was appropriated for the purpose indicated.

For other acts relating to Yosemite Valley consult Deering's Annotated Political Code under section 3586 and Deering's Annotated Penal Code, p. 755.

TITLE 314.

YUBA COUNTY.

A reference to acts relating to Yuba County is contained in Deering's Annotated Penal Code, pp. 756, 757.

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